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PENNSYLVANIA BULLETIN

Volume 43
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Pages 6311—6478

Agencies in this issue

The Courts
Department of Agriculture
Department of Banking and Securities
Department of Environmental Protection
Department of General Services
Department of Health
Department of Revenue
Department of State
Department of Transportation
Fish and Boat Commission
Insurance Department
Milk Marketing Board
Pennsylvania Higher Education Assistance Agency
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
Philadelphia Regional Port Authority
State Board of Dentistry
State Board of Nursing
State Board of Social Workers, Marriage and
Family Therapists and Professional Counselors
State Conservation Commission
Susquehanna River Basin Commission

Detailed list of contents appears inside.



**Latest Pennsylvania Code Reporters
(Master Transmittal Sheets):**

No. 467, October 2013

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CONTENTS

THE COURTS

LOCAL COURT RULES

Carbon County

Amendment of local rules of civil procedure 1028(c) preliminary objections, 1034(a) motion for judgment on the pleadings and 1035.2(a) motion for summary judgment; no. 13-0523 6344

RULES OF CIVIL PROCEDURE

Proposed amendment and renumbering of Rules 15.1—15.9 and proposed Rules 15.2, 15.7, 15.9, 15.10, 15.14—15.19 and 15.21 6321

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE

Proposed Rulemaking

Pennsylvania Preferred Trademark Licensure Program 6366

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications 6387

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices 6389

Availability of technical guidance 6450

Extension of general permit number WMGR081 for processing and beneficial use of electronic equipment and components by sorting, disassembling or mechanical processing 6451

Mine Families First Response and Communications Advisory Council meeting 6452

Proposed revision to the state implementation plan for the motor vehicle emissions budgets in the Scranton/Wilkes-Barre 1997 eight-hour ozone maintenance area; public hearing 6452

Solid Waste Advisory Committee meeting cancellation 6453

DEPARTMENT OF GENERAL SERVICES

Notices

Lease office space to the Commonwealth 6453

DEPARTMENT OF HEALTH

Notices

Applications for exception:

Armstrong County Memorial Hospital 6453

Bryn Mawr Hospital 6453

Children's Surgery Center of Malvern, LLC 6454

Fairgrounds Surgery Center 6454

Indiana Regional Medical Center (2 documents) .. 6454

Lehigh Valley Hospital 6455

Lehigh Valley Hospital—Muhlenberg 6455

Monroeville Surgery Center 6455

Schuylkill Medical Center East Norwegian Street. 6456

Schuylkill Medical Center South Jackson Street .. 6456

Select Specialty Hospital—McKeesport (2 documents) 6456

Select Specialty Hospital—Pittsburgh 6457

Valley Ambulatory Surgery Center 6457

Washington Health System 6457

Long-term care nursing facilities; request for exception 6458

DEPARTMENT OF REVENUE

Notices

Pennsylvania Cashing Thru the Snow instant lottery game 6458

Pennsylvania Holiday Gifts '13 instant lottery game 6462

Pennsylvania Merry Millionaire '13 instant lottery game 6465

DEPARTMENT OF STATE

Notices

Bureau of Corporations and Charitable Organizations; new and amended official forms 6469

DEPARTMENT OF TRANSPORTATION

Rules and Regulations

Vehicle equipment standards and safety inspection process 6349

Notices

Application for lease of right-of-way 6469

Medical Advisory Board meeting 6469

FISH AND BOAT COMMISSION

Rules and Regulations

Fishing; special fishing regulations and endangered species; correction 6348

Notices

Additions to list of Class A wild trout waters 6469

Classification of wild trout streams; addition to list . 6470

INSURANCE DEPARTMENT

Rules and Regulations

Surplus insurance lines 6345

Notices

Medical Care Availability and Reduction of Error Fund; notice of and amount of assessment action; notice 2013-08 6470

MILK MARKETING BOARD

Notices

Hearing and presubmission schedule for all milk marketing areas; over-order premium 6470

PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

Proposed Rulemaking

Student financial aid 6368

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Intra-company changes 6471

Service of notice of motor carrier applications 6471

Service of notice of motor carrier formal complaints . 6472

Water service 6474

Now Available Online at <http://www.pabulletin.com>

PHILADELPHIA PARKING AUTHORITY

Proposed Rulemaking

Wheelchair accessible vehicle taxicabs..... 6373

PHILADELPHIA REGIONAL PORT AUTHORITY

Notices

Request for bids (2 documents) 6474

STATE BOARD OF DENTISTRY

Statements of Policy

Use and replacement of dental amalgams 6385

STATE BOARD OF NURSING

Notices

Bureau of Professional and Occupational Affairs v.
Marshall E. Angradi, LPN; doc. no. 0168-51-13 ... 6474
Bureau of Professional and Occupational Affairs v.
Jennifer Noelle Baney, a/k/a Jennifer Noelle Hall
and Jennifer Brown Grubal, LPN; doc. no. 1113-
51-12 6475

Bureau of Professional and Occupational Affairs v.
Heather Lynn Graham, RN; doc. no. 1337-51-12 .. 6475
Bureau of Professional and Occupational Affairs v.
Kathleen M. Lynn, RN; doc. no. 1904-51-12..... 6475

**STATE BOARD OF SOCIAL WORKERS, MARRIAGE
AND FAMILY THERAPISTS AND PROFESSIONAL
COUNSELORS**

Proposed Rulemaking

Qualifications for licensure 6382

STATE CONSERVATION COMMISSION

Notices

Action on odor management plans for concentrated
animal operations and concentrated animal feed-
ing operations and volunteers complying with the
Commonwealth's Facility Odor Management Pro-
gram..... 6476

SUSQUEHANNA RIVER BASIN COMMISSION

Notices

Public hearing..... 6476

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Pennsylvania Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances when the agency may omit the proposal step; it still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania Bulletin* before it can take effect. If the agency

wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, it must repropose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa. Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*. The *Pennsylvania Code* is available at www.pacode.com.

Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2013.

4 Pa. Code (Administration)

Proposed Rules

405 1850

Statements of Policy

9 220, 875, 1084, 1283, 1863, 2610, 3113,
3510, 4101, 4601, 5599, 6006
58 1731
67a 877

7 Pa. Code (Agriculture)

Adopted Rules

143 216
144 216

Proposed Rules

107 6366
137b 4344

10 Pa. Code (Banking and Securities)

Proposed Rules

5 5455

12 Pa. Code (Commerce, Trade and Local Government)

Proposed Rules

149 3110

17 Pa. Code (Conservation and Natural Resources)

Adopted Rules

45 4077

Proposed Rules

45 1419

22 Pa. Code (Education)

Adopted Rules

4 4079
19 3337
31 2436

Proposed Rules

121 6368

25 Pa. Code (Environmental Protection)

Adopted Rules

78 526
93 4080
105 967
121 806
123 806, 2140
139 806
901 830

Proposed Rules

78 5457
127 677
208 2587, 5819
271 4858
272 4858
273 4858
284 4858
285 4858
287 4858
288 4858

299 4858
806 872
901 4740, 5995
1021 2591

Statements of Policy

16 4103

28 Pa. Code (Health)

Adopted rules

1001 6093
1003 6093
1005 6093
1007 6093
1009 6093
1011 6093
1013 6093
1015 6093
1021 6093
1023 6093
1025 6093
1027 6093
1029 6093
1031 6093
1033 6093

31 Pa. Code (Insurance)

Adopted Rules

124 6345
161 2816
163 2819

Proposed Rules

25 5996
124 1269

34 Pa. Code (Labor and Industry)

Adopted Rules

63 2438
65 4730

37 Pa. Code (Law)

Proposed Rules

79 2589

40 Pa. Code (Liquor)

Adopted Rules

5 3946, 5817
15 12

Proposed Rules

7 5825
11 2040, 5826

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

5 4850
13 2033
16 2142, 3347, 4329
18 2142, 2145, 4329
25 2147, 4336
36 3098
42 2991, 3350

Proposed Rules

| | |
|----|------------|
| 1 | 1279 |
| 3 | 1854 |
| 6 | 2041 |
| 7 | 1855 |
| 13 | 2044 |
| 15 | 1859 |
| 16 | 6212 |
| 18 | 6212 |
| 27 | 2439 |
| 33 | 1857 |
| 36 | 5827 |
| 45 | 2042, 5828 |
| 47 | 1281, 6382 |
| 48 | 6382 |
| 49 | 6382 |

Statements of Policy

| | |
|----|------|
| 13 | 1422 |
| 33 | 6385 |

51 Pa. Code (Public Officers)**Proposed Rules**

| | |
|----|------|
| 53 | 3009 |
|----|------|

52 Pa. Code (Public Utilities)**Adopted Rules**

| | |
|------|------------|
| 1 | 5593 |
| 5 | 5593 |
| 33 | 2820 |
| 59 | 4586, 5705 |
| 62 | 1413 |
| 111 | 3473 |
| 1005 | 2992 |

Proposed Rules

| | |
|------|------------------|
| 1 | 1273, 2602 |
| 3 | 2602 |
| 5 | 1273, 2602 |
| 23 | 2602 |
| 29 | 2602, 6203 |
| 32 | 2602 |
| 53 | 2602 |
| 54 | 2602 |
| 57 | 2602 |
| 59 | 2602 |
| 62 | 2602 |
| 65 | 870 |
| 121 | 6206 |
| 1001 | 6373 |
| 1011 | 1725, 6373 |
| 1015 | 1725 |
| 1017 | 1720, 1725, 6373 |
| 1019 | 6373 |
| 1021 | 1725, 6373 |
| 1027 | 1725 |
| 1051 | 1725 |
| 1053 | 1725 |
| 1055 | 1720 |
| 1057 | 1725 |
| 1059 | 1725 |

Statements of Policy

| | |
|----|------|
| 41 | 2852 |
|----|------|

55 Pa. Code (Public Welfare)**Adopted Rules**

| | |
|------|------|
| 52 | 833 |
| 5230 | 2572 |

Proposed Rules

| | |
|------|------------------|
| 1187 | 4599, 4855, 5822 |
| 1189 | 4855, 5822 |

Statements of Policy

| | |
|------|------|
| 51 | 878 |
| 5200 | 4355 |
| 5210 | 4355 |
| 5320 | 4355 |
| 6000 | 1732 |
| 6400 | 222 |

58 Pa. Code (Recreation)**Adopted Rules**

| | |
|------|------------------|
| 29 | 2714 |
| 51 | 4214 |
| 65 | 3232, 5451, 5452 |
| 69 | 4214 |
| 75 | 5453 |
| 93 | 4214 |
| 113 | 4214 |
| 139 | 2999, 3006 |
| 141 | 3006 |
| 143 | 3007 |
| 147 | 2311 |
| 401a | 660, 4096 |
| 403a | 660 |
| 405a | 660 |
| 407a | 660 |
| 437a | 4096 |
| 441a | 4096 |
| 461a | 660 |
| 471a | 660 |
| 491a | 660 |
| 493a | 660 |
| 494a | 660 |
| 495a | 660 |
| 497a | 660 |
| 499a | 660 |
| 501a | 660 |
| 511a | 660 |
| 581 | 3495 |
| 583 | 3495 |
| 585 | 3495 |
| 587 | 4971 |

Proposed Rules

| | |
|------|------------------|
| 51 | 5462 |
| 53 | 3238 |
| 61 | 3237 |
| 63 | 3235, 5466 |
| 65 | 2034, 2035 |
| 69 | 5467 |
| 75 | 15, 3233 |
| 93 | 5463 |
| 101 | 3238 |
| 105 | 3238 |
| 137 | 2039 |
| 139 | 1712, 1718, 2037 |
| 141 | 1710 |
| 143 | 2037, 4741 |
| 421a | 2152 |
| 421b | 2152 |
| 439a | 2152 |
| 461a | 834 |
| 465a | 834, 2152, 2827 |
| 481a | 2152 |
| 501a | 2152 |
| 503a | 2152 |
| 503b | 2152 |
| 513a | 2152 |

| | |
|------|------------|
| 525 | 834 |
| 575 | 834 |
| 577 | 834 |
| 579 | 834 |
| 603a | 834, 2152 |
| 605a | 2312 |
| 609a | 834 |
| 623a | 834 |
| 627a | 834 |
| 629a | 834 |
| 631a | 834 |
| 633a | 834, 2152 |
| 635a | 834 |
| 637a | 834 |
| 639a | 2312, 2827 |
| 641a | 2312, 2827 |
| 643a | 2312, 2827 |
| 645a | 2827 |
| 647a | 2312, 2827 |
| 649a | 834, 2827 |
| 653a | 2312, 2827 |
| 655a | 2312, 2827 |
| 657a | 2312, 2827 |
| 659a | 834 |
| 661a | 834 |
| 663a | 834 |
| 665a | 834 |

Statements of Policy

| | |
|------|------|
| 57 | 5469 |
| 439b | 1733 |
| 461b | 4744 |

61 Pa. Code (Revenue)

Adopted Rules

| | |
|-----|-----|
| 7 | 532 |
| 117 | 535 |
| 119 | 535 |
| 121 | 535 |
| 901 | 532 |

67 Pa. Code (Transportation)

Adopted Rules

| | |
|-----|------|
| 175 | 6349 |
|-----|------|

Proposed Rules

| | |
|-----|------|
| 231 | 3010 |
|-----|------|

101 Pa. Code (General Assembly)

Statements of Policy

| | |
|-----|-----|
| 31 | 17 |
| 303 | 878 |

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

| | |
|----|------|
| 1 | 2988 |
| 7 | 3327 |
| 19 | 3223 |

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

| | |
|-----|------|
| 71 | 2559 |
| 81 | 1173 |
| 83 | 1173 |
| 303 | 3655 |

Proposed Rules

| | |
|-----|------|
| 71 | 1699 |
| 81 | 1997 |
| 83 | 4967 |
| 303 | 431 |

207 Pa. Code (Judicial Conduct)

Proposed Rules

| | |
|----|------|
| 51 | 2269 |
|----|------|

210 Pa. Code (Appellate Procedure)

Adopted Rules

| | |
|----|------------------|
| 1 | 2007 |
| 2 | 2007 |
| 3 | 2423, 3327 |
| 5 | 2423 |
| 9 | 3327 |
| 11 | 3223 |
| 15 | 3327 |
| 17 | 2271, 3223 |
| 19 | 2810 |
| 21 | 2007, 2704, 5589 |
| 25 | 964, 2007 |
| 31 | 5394, 5989 |
| 33 | 3223, 3470 |
| 37 | 3225 |
| 63 | 514, 3227 |
| 65 | 298 |

Proposed Rules

| | |
|----|------------------|
| 3 | 3082 |
| 9 | 3082 |
| 11 | 3082 |
| 19 | 1700, 3084, 5393 |
| 21 | 3082 |
| 25 | 5393 |
| 40 | 1700 |

225 Pa. Code (Rules of Evidence)

Adopted Rules

| | |
|--------------|-----|
| Article I | 620 |
| Article II | 620 |
| Article III | 620 |
| Article IV | 620 |
| Article V | 620 |
| Article VI | 620 |
| Article VII | 620 |
| Article VIII | 620 |
| Article IX | 620 |
| Article X | 620 |

Proposed Rules

| | |
|--------------|-----|
| Article VIII | 210 |
|--------------|-----|

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

| | |
|---------|------------------------|
| 200 | 525 |
| 1000 | 1835 |
| 1300 | 2135 |
| 1900 | 3932 |
| 1910 | 801, 2272, 5701 |
| 1915 | 2559, 3936, 3937, 4702 |
| 1930 | 3329 |
| 3000 | 2136 |
| Part II | 1836 |

Proposed Rules

| | |
|---------|------------|
| 1900 | 5448 |
| 1910 | 3932, 5449 |
| Part II | 2010, 6321 |

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

| | |
|---|-----|
| 1 | 652 |
| 2 | 652 |

| | |
|----------|------------------------------|
| 4 | 654, 4323 |
| 5 | 2560, 2704, 3330, 4062, 4715 |
| 6 | 2704, 3330 |
| 7 | 1702 |
| 8 | 4715 |
| 10 | 2560, 2704, 4062 |

Proposed Rules

| | |
|---------|-----------|
| 5 | 210, 4210 |
| 6 | 2304 |
| 8 | 801 |

237 Pa. Code (Juvenile Rules)**Adopted Rules**

| | |
|----------|------------|
| 1 | 3938, 3941 |
| 2 | 3938 |
| 6 | 1551, 3938 |
| 11 | 3941 |

Proposed Rules

| | |
|----------|------------|
| 1 | 2306, 6192 |
| 11 | 2306, 6192 |
| 13 | 6192 |
| 18 | 6192 |

246 Pa. Code (Minor Court Civil Rules)**Adopted Rules**

| | |
|------------|------------|
| 200 | 4967, 5589 |
| 300 | 5989 |
| 400 | 4967, 5989 |
| 1000 | 4969 |

Proposed Rules

| | |
|------------|------------|
| 200 | 8, 2136 |
| 300 | 3470, 5701 |
| 400 | 8 |
| 500 | 3085, 3470 |
| 1000 | 3085 |

249 Pa. Code (Philadelphia Rules)

| | |
|--------------------|----------------------------------|
| Unclassified | 657, 658, 1078, 2138, 4064, 4212 |
|--------------------|----------------------------------|

252 Pa. Code (Allegheny County Rules)

| | |
|--------------------|------------------|
| Unclassified | 2711, 3229, 5702 |
|--------------------|------------------|

255 Pa. Code (Local Court Rules)

| | |
|--------------------|--|
| Unclassified | 9, 11, 212, 214, 299, 658, 964, 1173, 1175, 1176, 1408, 1410, 1551, 1842, 2139, 2308, 2309, 2424, 2435, 2563, 2989, 3088, 3230, 3332, 3942, 3943, 4065, 4067, 4070, 4071, 4213, 4326, 4327, 4723, 4724, 4726, 4839, 4845, 4848, 4970, 5395, 5450, 5590, 5703, 5797, 5798, 5799, 5804, 5991, 5993, 6201, 6344 |
|--------------------|--|

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Proposed Amendment and Renumbering of Rules 15.1—15.9 and Proposed Rules 15.2, 15.7, 15.9, 15.10, 15.14—15.19 and 15.21

With respect to rules regarding adoptions, the Orphans' Court Procedural Rules Committee is recommending new Supreme Court Orphans' Court Rules 15.2, 15.7, 15.9, 15.10, 15.14, 15.15, 15.16, 15.17, 15.18, 15.19, and 15.21, as well as amending and renumbering current Rules 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, and 15.9. Pursuant to Pennsylvania Rule of Judicial Administration 103(a)(1), these proposed new rules and amendments to current rules are being published for comment.

This is the second publication of proposed new and amended adoption rules. A prior version was published in June of 2011 with a comment period that ended on August 10, 2011. Many comments were received in response to that initial publication. The received comments were carefully reviewed and thoroughly considered, and changes were made to the initial version of proposed new adoption rules. Prior to the Committee submitting this revised proposal to the Supreme Court as a Recommendation, the Committee wanted to publish the revised proposal for additional concerns, comments and suggestions.

Proposed new rule numbers and rule additions are bold. Proposed new rules are so indicated by an Editor's Note above the rule's title, rather than having the entire text bold. Deletions are contained in bolded brackets.

For the convenience of the bench and bar, the Committee has prepared an Explanatory Report following this Publication Notice, which summarizes the proposal. Please note that the Committee's Explanatory Report should not be confused with the official Explanatory Comments that accompany certain rules. Also be aware that the Supreme Court does not adopt the Committee's Explanatory Comments or the contents of the Explanatory Report.

All communications concerning the proposed new and amended adoption rules should be sent no later than Friday, December 27, 2013, to:

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*By the Orphans' Court
Procedural Rules Committee*

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Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

RULE 15. ADOPTIONS

Rule 15.1. Local rules.

The practice and procedure with respect to adoptions shall be as provided by Act of Assembly and [to the extent not inconsistent therewith shall conform either with the pertinent general rule or special order of the local Orphans' Court or, in the absence thereof, with this Rule 15] the Rules under this Chapter 15. The Orphans' Court Divisions of the several judicial districts of this Commonwealth may adopt local rules in accordance with Rule 1.5 further regulating the practice and procedure with respect to adoptions, provided that such local rules shall not be inconsistent with these Rules and the Adoption Act, 23 Pa.C.S. § 2101 *et seq.*

Explanatory Comment: Adoptions, termination of parental rights, proceedings related to voluntary post-adoption contact and communication agreements, and any other proceedings provided under the Adoption Act are conducted by the Orphans' Court Division and judges sitting as Orphans' Court judges in all counties of the Commonwealth, except in Philadelphia County where such proceedings are conducted in the Family Court Division.

(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

Rule 15.2. Definitions.

In addition to the terms and definitions provided in Rule 1.3, the following words and phrases when used in this Chapter 15 shall have the following meanings:

"Adopted Child" or "Adopted Individual"—Any individual, and if the individual is under 18 years of age a child, for whom a decree of adoption has been entered in accordance with 23 Pa.C.S. § 2902 after a hearing or in accordance with the laws of another country or state of a similar import;

"Adoptee"—An individual proposed and available to be adopted;

"Agency"—Any incorporated or unincorporated organization, society, institution, or other entity, including a County Agency as defined in Pa.R.J.C.P. 1120, which may receive or provide for the care of children, supervised by the Department of Public Welfare and providing adoption services in accordance with standards established by the Department;

"Authorized Representative"—An individual duly trained and certified by the Department of Public Welfare, pursuant to 23 Pa.C.S. § 2938, to handle certain requests for identifying information and to search for the subject of the request as necessary;

"Birth Relative"—A parent, grandparent, stepparent, sibling, uncle or aunt of the Adoptee's birth family, whether the relationship is by blood, marriage or adoption;

"Clerk"—the Clerk or Department responsible for the legal papers and Court orders filed pursuant to the Adoption Act;

“Contact Agreement”—A voluntary written agreement between a Prospective Adoptive Parent and a Birth Relative that is executed and approved by the Court in accordance with 23 Pa.C.S. §§ 2731 *et seq.* and provides for continuing post-adoption contact or communication between the Adopted Child and the Birth Relative or between the adoptive parent and the Birth Relative;

“Court”—the Court of Common Pleas, Orphans’ Court Division in every county of this Commonwealth, except in Philadelphia County, where the Court shall be Court of Common Pleas, Family Court Division;

“Department”—The Department of Public Welfare of the Commonwealth;

“Intermediary”—Any person or persons or Agency acting between the parent(s) and the proposed adoptive parent(s) in arranging an adoption placement;

“Minor”—A person who has not attained eighteen (18) years of age;

“Prospective Adoptive Parent(s)”—Any individual(s) with whom the child has been placed for the purpose of adoption or who has filed a report of intention to adopt under 23 Pa.C.S. § 2531; (*see Mitch v. Bucks County Children and Youth*, 556 A.2d 419, 421 fn. 3 (Pa. Super. 1989));

“Putative Father”—An alleged birth father of a child conceived or born out of wedlock whose parental status has not been legally established; and

“Statement of medical, personal and/or social history information”—the information concerning an Adopted Individual or the birth family of an Adopted Individual as set forth in 23 Pa.C.S. §§ 2102, 2911. The Rules in this Chapter use the term “Statements of medical, personal and/or social history information” because the Adoption Act refers to these statements in varying ways. *Compare* 23 Pa.C.S. §§ 2503(e), 2504(d), 2511(c) *with* 23 Pa.C.S. §§ 2923, 2934.

Rule [15.6] 15.3. [Notice to persons; method; notice of Orphans’ Court proceedings filed on dependency docket] Notice of hearing to terminate parental rights; method and time.

[(a) Notice to every person to be notified shall be by personal service, service at his or her residence on an adult member of the household, or by registered or certified mail to his or her last known address. If such service is unobtainable and the registered mail is returned undelivered, then:

(1) no further notice shall be required in proceedings under Rules 15.2 or 15.3, and

(2) in proceedings under Rules 15.4 and 15.5, further notice by publication or otherwise shall be given if required by general rule or special order of the local Orphans’ Court. If, after reasonable investigation, the identity of a person to be notified is unknown, notice to him or her shall not be required.

(b) When a child is in the legal custody of a county agency:

(1) Within seven (7) days of the filing of a petition to terminate parental rights under Rules 15.2 or 15.4, or a petition to confirm consent under 23 Pa.C.S. § 2504, or a petition to adopt under Rule 15.5, the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency

proceeding, notifying the clerk of the name of the petition filed and the date of filing in substantially the form approved by the Supreme Court.

(2) Within seven (7) days of receiving the Court’s disposition of the petitions described in subparagraph (b)(1), the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the disposition of the petition and the date of the order in substantially the form approved by the Supreme Court.

(3) If a notice of appeal from an order described in subparagraph (b)(2) is filed, then within seven (7) days of service of the notice of appeal, the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the appeal and the date of filing in substantially the form approved by the Supreme Court.

(4) Within seven (7) days of receiving the appellate court’s disposition of the appeal described in subparagraph (b)(3), the county agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the disposition of the appeal and the date of the decision in substantially the form approved by the Supreme Court.]

(a) *Method of Notice.* Except as otherwise provided in these Rules, every person to be notified of a court hearing to terminate parental rights shall be provided with notice by personal service at his or her residence or at the location where he or she is known to be staying on an adult member of the household, or by registered or certified mail at the last address where he or she is known to be residing.

(1) If personal service is refused or cannot be obtained, service shall be made by registered or certified mail at the last address where he or she is known to be residing or staying.

(2) If service is not obtainable because the registered or certified mail is returned undelivered or the person’s whereabouts are unknown after reasonable investigation, then no further notice need be provided except as provided in subparagraphs (A)—(D) below.

(A) Further notice by publication shall be provided to the Putative Father for a court hearing proceeding under Rules 15.5, 15.6, and 15.7;

(B) Further notice by publication shall be provided to the birth parent, including any Putative Father, named in the petition, for a court hearing proceeding under Rule 15.8;

(C) Further notice by publication shall be provided to the birth parent, including the Putative Father, for a court hearing proceeding under Rule 15.11 if, as part of the court hearing, the petitioner seeks for the Court, pursuant to 23 Pa.C.S. §§ 2711(b) or 2714, to dispense with the consent of a birth parent or Putative Father whose parental rights have not been terminated in a prior proceeding; and

(D) Any further or additional notice shall be given as required by local rule or special order of the local Court.

(b) *Dispensing with Notice if Identity of Birth Parent Unknown.* If the Court makes a finding on the record, after considering testimony or other evidence presented at a hearing, that the identity of a person to be notified is unknown, notice to him or her shall not be required.

(c) *Time for Notice.* Notice of the court hearing shall be provided at least ten (10) days prior to the date of the court hearing for proceedings under Rules 15.5, 15.6, 15.7, 15.8, and for a proceeding under Rule 15.11 if, as part of the court hearing, the petitioner seeks for the Court, pursuant to 23 Pa.C.S. §§ 2711(b) or 2714, to dispense with the consent of the birth parent or Putative Father whose parental rights have not been terminated in a prior proceeding.

(d) *Contents of Notice; Service; and Copies to Others.*

(1) The Agency, Intermediary, counsel representing the Agency or Intermediary, or counsel representing the Prospective Adoptive Parent(s) shall serve notice of the hearing on a petition filed under Rule 15.5 or Rule 15.6 in the form required by subsection 23 Pa.C.S. § 2503(b)(2) on the petitioner in accordance with paragraphs (a) and (c) of this Rule.

(A) A copy of the notice of the hearing shall be served on the other birth parent in accordance with paragraphs (a) and (c) of this Rule.

(B) If the existence of a Putative Father is alleged and his rights are requested to be terminated at the hearing, then a copy of the notice in the form required by subsection 23 Pa.C.S. § 2503(b)(3) shall be served on the Putative Father in accordance with paragraphs (a) and (c) of this Rule.

(2) The Agency, Intermediary, counsel representing the Agency or Intermediary, or counsel representing the Prospective Adoptive Parent(s) shall serve notice of a hearing on a petition filed under Rule 15.7 in the form required by subsection 23 Pa.C.S. § 2513(b) on the consenter in accordance with paragraphs (a) and (c) of this Rule. A copy of the notice of the hearing shall be served on the other birth parent, including any Putative Father whose rights are requested to be terminated, in accordance with paragraphs (a) and (c) of this Rule.

(3) The petitioner or counsel representing the petitioner shall serve notice of a hearing on a petition filed under Rule 15.8 in the form required by subsection 23 Pa.C.S. § 2513(b) on the birth parent(s) who is/are the subject of the petition, including any Putative Father whose rights are requested to be terminated, in accordance with paragraphs (a) and (c) of this Rule.

(4) A copy of the notice of the hearing shall be served on the parent(s) or guardian(s) of any birth parent or Putative Father who has not reached 18 years of age and whose rights are requested to be terminated.

(Editor's Note: The following rule is new and printed in regular type to enhance readability. This proposed rule is based on current Rule 15.6(b).)

Rule 15.4. Certification filed with the Clerk maintaining the dependency docket.

When the child is in the custody of a County Agency:

(a) Within seven (7) days of the filing of a petition to terminate parental rights under Rules 15.5, 15.7, or 15.8, or a petition to adopt under Rule 15.11, the County Agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the name of the petition filed and the date of filing in substantially the form approved by the Supreme Court.

(b) Within seven (7) days of receiving the Court's disposition of the petitions described in paragraph (a), the County Agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the disposition of the petition and the date of the order in substantially the form approved by the Supreme Court.

(c) If a notice of appeal from an order described in paragraph (b) is filed, then within seven (7) days of service of the notice of appeal, the County Agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the appeal and the date of filing in substantially the form approved by the Supreme Court.

(d) Within seven (7) days of receiving the appellate court's disposition of the appeal described in paragraph (c), the County Agency shall file a praecipe with the clerk of the court where the child was declared dependent using the caption of the dependency proceeding, notifying the clerk of the disposition of the appeal and the date of the decision in substantially the form approved by the Supreme Court.

Explanatory Comment: This Rule was added in 2013. The purpose of the amendment was to provide a procedure for collecting data concerning children who have been declared dependent under the Juvenile Act and placed in the custody of the county agency. The information is entered into the Common Pleas Case Management System-Dependency Module to comply with reporting requirements and to monitor dependent children in the foster care system. Unlike a "notice," as used in Rule 15.3, the County Agency is not required to serve the praecipe upon the parties to the dependency, termination, or adoption proceeding.

Pursuant to Rule 1.3 (Forms), the Court has approved forms for statewide practice to comply with the requirements of this Rule. These forms can be found in the Appendix to these Rules.

Rule [15.2] 15.5. Voluntary relinquishment to agency.

(a) *Petition.* A petition under [**Section 301 of the Adoption Act**] 23 Pa.C.S. § 2501 to relinquish parental rights and duties with respect to a child who has been in the care of an Agency shall [**include**] **contain** the following [**allegations**] **averments**:

(1) the name, address, age, racial background and religious affiliation of each petitioner;

(2) the information required in subparagraph (1) as to any parent who is not a petitioner, including the father **or Putative Father** of a child born out of wedlock, if he has been identified, [**unless the court, for cause shown, determines**] **or the reason(s) why the Court should find that** such information is not essential;

(3) the marital status of the mother as of the time of birth of the child and during one year prior thereto [**and, if the mother has ever been married, the name of her husband or husbands and her maiden name**];

(4) the name, age, date of birth, **place of birth**, racial background, sex, and religious affiliation of the child;

(5) the name and address of the Agency having care of the child;

(6) the date when the child was placed with the Agency;

(7) [**when the child is born out of wedlock, whether the mother and the father of the child intend to marry;**

(8)] the reasons for seeking relinquishment;

(8) **whether each petitioner has been informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;**

(9) **whether each petitioner has received any counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;**

(10) **that each petitioner has been informed that a Birth Relative of the child, including the petitioner, and Prospective Adoptive Parent(s), once identified, have the opportunity to enter into a Contact Agreement;**

(11) **whether a proposed, executed agreement providing for post-adoption contact and/or communication has been submitted and is pending before this Court or is being submitted to the Court under a separate petition;**

(12) **whether the non-petitioning birth parent has been informed that a Birth Relative of the child, including the non-petitioning birth parent, and Prospective Adoptive Parent(s), once identified, have the opportunity to enter into a Contact Agreement, or the reason(s) why such notice has not or cannot be given; and**

[(9)] (13) **that each petitioner has read and understands the petition, has considered the alternatives, and has executed the petition voluntarily to promote what the petitioner believes to be in petitioner's and the child's best interests.**

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) **the notice or agreement to relinquish custody of the child to the Agency signed by each petitioner;**

(2) the joinder of a parent or **Putative Father** who is not a petitioner or his or her [**waiver of**] **consent waiving** all interest in the child, if either is obtainable;

[(2)] (3) a birth certificate or certification of registration of birth of the child;

[(3)] (4) the written consent of a parent or guardian of a petitioner who has not reached 18 years of age;

(5) **a verified statement from a representative of the Agency, counsel representing the Agency or counsel representing any other party that notice**

was provided to each petitioner and any non-petitioning parent regarding the opportunity to enter into a Contact Agreement and the specific date(s) on which such notice was given; and

[(4)] (6) the joinder or **consent** of the Agency having care of the child [**and**], **including** its consent to accept custody of the child until such time as the child is adopted.

(c) [*Notice and hearing.* If a parent, including the parent of a child born out of wedlock, has not relinquished his or her rights and duties in and to the child or joined in the other parent's petition hereunder, then notice of the hearing on the petition to relinquish rights and duties shall be given to the first referred to parent as provided in Rule 15.6. A parent may waive in writing the right to such notice.] *Hearing and Decree.*

(1) After the filing of a petition under 23 Pa.C.S. § 2501, the Court shall schedule a private evidentiary hearing providing sufficient time for the Agency, Intermediary, counsel representing the Agency or Intermediary, or counsel representing the Prospective Adoptive Parent(s) to provide notice in compliance with Rule 15.3.

(2) Each petitioner and each person whose joinder or consent is attached to the petition **must appear at the hearing and** shall be examined under oath at the hearing unless excused by the [**court**] Court.

(3) After the hearing, the Court shall enter a decree as set forth in 23 Pa.C.S. § 2503(c) terminating parental rights, including the obligation of support, if the Court is satisfied that each petitioner voluntarily filed the petition and that termination of petitioner's parental rights is in the best interest of the child.

(4) The Court may also terminate the rights of a Putative Father who has failed to file a separate petition under 23 Pa.C.S. § 2501 or join in the petitioner's petition, if the Putative Father has been given notice of the hearing and failed to appear at the hearing or file a written objection with the Court prior to the hearing.

Explanatory Comment: Section 2733(c) of the Adoption Act requires the Agency, the Intermediary or an attorney for a party to provide notice to the Prospective Adoptive Parent(s), birth parent(s), and, in some instances, a child of the opportunity to enter into a Contact Agreement. Notice to Birth Relatives who are not birth parents is not statutorily required, although Birth Relatives may enter into and become parties to a Contact Agreement.

The verified statement to be attached as an Exhibit under subparagraph (b)(5) is not required if a proposed, executed agreement for post-adoption contact and/or communication involving that birth parent has been submitted and is pending before the Court or is attached to a separate petition to approve the proposed agreement that is being filed simultaneously with the filing of the petition under 23 Pa.C.S. § 2501. The verified statement under subparagraph (b)(5) is not required if reasons are set forth in the petition as to why notice of the opportunity to enter into a Contact Agreement was not provided to the petitioner and/or non-petitioning birth parent, and the Court determines that such notification need not or cannot be given.

It is understood that County Agencies may be encouraged early in the process, even during dependency proceedings, to give notice to a birth parent of the opportunity to enter into a Contact Agreement. Requiring the verified statement to set forth the specific date(s) as to when notice was given is only to further ensure that the particular notice was given and not to suggest that providing this notice is time sensitive and expires after a certain time.

Rule [15.3] 15.6. Voluntary relinquishment to adult intending to adopt child.

(a) *Petition.* A petition under [Section 302 of the Adoption Act] 23 Pa.C.S. § 2502 to relinquish parental rights with respect to a child who has been in the exclusive care of [an adult or adults who have filed a Report of Intention to Adopt shall include the allegations required under subparagraphs (1), (2), (3), (4) and (7), (8) and (9) of Rule 15.2(a) and] Prospective Adoptive Parent(s) shall contain the following averments:

[(1) the date when the Report of Intention to Adopt was filed;

(2) the date when the child was placed with the adult or adults;]

(1) the name, address, age, racial background and religious affiliation of each petitioner;

(2) the information required in subparagraph (1) as to any parent who is not a petitioner, including the father or Putative Father of a child born out of wedlock, if he has been identified, or the reason(s) why the Court should find that such information is not essential;

(3) the marital status of the mother as of the time of birth of the child and during one year prior thereto;

(4) the name, age, date of birth, place of birth, racial background, sex, and religious affiliation of the child;

(5) the name and address of the Prospective Adoptive Parent(s);

(6) the date when the child was placed with the Prospective Adoptive Parent(s);

(7) the date when the Report of Intention to Adopt was filed;

(8) the reasons for seeking relinquishment;

(9) whether each petitioner has been informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;

(10) whether each petitioner has received any counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

(11) that each petitioner has been informed that a Birth Relative of the child, including the petitioner, and the Prospective Adoptive Parent(s) have the opportunity to enter into a Contact Agreement;

(12) whether a proposed, executed agreement providing for post-adoption contact and/or commu-

nication has been submitted and is pending before this Court or is being submitted to the Court under a separate petition;

(13) that the non-petitioning birth parent has been informed that a Birth Relative of the child, including the non-petitioning birth parent, and the Prospective Adoptive Parent(s) have the opportunity to enter into a Contact Agreement, or the reason(s) why such notice has not or cannot be given; and

(14) that each petitioner has read and understands the petition, has considered the alternatives, and has executed the petition voluntarily to promote what the petitioner believes to be in petitioner's and the child's best interests.

(b) *Exhibits.* The petition shall have attached to it the [first three exhibits specified in Rule 15.2(b) and] following exhibits:

[(1) the separate consent of the adult or adults to accept custody of the child.]

(1) the joinder of a parent or Putative Father who is not a petitioner or his or her consent waiving all interest in the child, if either is obtainable;

(2) a birth certificate or certification of registration of birth of the child;

(3) the written consent of a parent or guardian of a petitioner who has not reached 18 years of age;

(4) a verified statement from a representative of the Agency or Intermediary, counsel representing the Agency or Intermediary, or counsel representing any other party that notice was provided to the petitioner and the non-petitioning parent regarding the opportunity to enter into a Contact Agreement and the specific date(s) on which such notice was given; and

(5) the signed consent(s) of the Prospective Adoptive Parent(s) to accept custody of the child until such time as the adoption is completed.

(c) [*Notice and*] *Hearing and Decree.* [If a parent, including the parent of a child born out of wedlock, has not relinquished his or her rights in the child or joined in the petition hereunder, then notice of the hearing on a parent's petition to relinquish rights shall be given to the first referred to parent as provided in Rule 15.6. A parent may waive in writing the right to such notice.]

(1) After the filing of a petition under 23 Pa.C.S. § 2502, the Court shall schedule a private evidentiary hearing providing sufficient time for the Agency, Intermediary, counsel representing the Agency or Intermediary, or counsel representing the Prospective Adoptive Parent(s) to provide notice in compliance with Rule 15.3.

(2) Each petitioner and each person whose joinder or consent is attached to the petition **must appear at the hearing and** shall be examined under oath at the hearing unless excused by the [court] Court.

(3) After the hearing, the Court shall enter a decree as set forth in 23 Pa.C.S. § 2503(c) terminating parental rights if the Court is satisfied that each petitioner voluntarily filed the petition and

that termination of petitioner's parental rights is in the best interest of the child.

(4) The Court may also terminate the rights of a Putative Father who has failed to file a separate petition under 23 Pa.C.S. § 2502 or join in the petitioner's petition, if the Putative Father has been given notice of the hearing and failed to appear at the hearing or file a written objection with the Court prior to the hearing.

Explanatory Comment: Section 2733(c) of the Adoption Act requires the Agency, the Intermediary, or an attorney for a party to provide notice to the Prospective Adoptive Parent(s), birth parent(s), and, in some instances, a child of the opportunity to enter into a Contact Agreement. Notice to Birth Relatives who are not birth parents is not statutorily required, although Birth Relatives may enter into and become parties to a Contact Agreement.

The verified statement to be attached as an Exhibit under subparagraph (b)(4) is not required if a proposed, executed agreement for post-adoption contact and/or communication involving that birth parent has been submitted and is pending before the Court or is attached to a separate petition to approve the proposed agreement that is being filed simultaneously with the filing of the petition under 23 Pa.C.S. § 2502. The verified statement under subparagraph (b)(4) is not required if reasons are set forth in the petition as to why notice of the opportunity to enter into a Contact Agreement was not provided to the petitioner and/or non-petitioning birth parent, and the Court determines that such notification need not or cannot be given. Requiring the verified statement to set forth the specific date(s) as to when notice was given is only to further ensure that the particular notice was given and not to suggest that providing this notice is time sensitive and expires after a certain time.

(*Editor's Note:* The following rule is new and printed in regular type to enhance readability.)

Rule 15.7. Alternative procedure for relinquishment.

(a) *Petition.* A petition under 23 Pa.C.S. § 2504 to confirm the consent to adoption given by a birth parent or Putative Father relinquishing parental rights and agreeing to have the child placed for adoption shall contain the following averments:

(1) the name, address, age, racial background and religious affiliation of the consenter;

(2) the information required in subparagraph (1) as to any parent who has not signed a consent to adoption, including the father or Putative Father of a child born out of wedlock, if he has been identified, or the reason(s) why the Court should find that such information is not essential;

(3) the marital status of the mother as of the time of birth of the child and during one year prior thereto;

(4) the name, age, date of birth, place of birth, racial background, sex, and religious affiliation of the child;

(5) the date when the consent to adoption was executed by the consenter, that this date of execution was not within a prohibited period as provided by 23 Pa.C.S. § 2711(c), and the number of days that have elapsed since the consent to adoption was executed by the consenter;

(6) that the consent to adoption was executed with the date and location as shown on the consent;

(7) that the consent was witnessed by at least two individuals who have signed as witnesses and whose names, addresses, and relationship to the consenter appear on the consent;

(8) whether the consenter was informed of counseling services concerning the termination of parental rights and the alternatives thereto and provided with a list of qualified counselors and counseling services;

(9) whether the consenter received counseling concerning the termination of parental rights and the alternatives thereto and, if so, the name of the organization or qualified counselor providing such counseling services;

(10) whether the petitioner, counsel for the petitioner, or the Agency or Intermediary if the Agency or Intermediary is not the petitioner, has received any writing from the consenter revoking or attempting to revoke the previously executed consent to adoption;

(11) that the consenter has been informed that a Birth Relative of the child, including the consenter, and the Prospective Adoptive Parent(s) have the opportunity to enter into a Contact Agreement;

(12) whether a proposed, executed agreement providing for post-adoption contact and/or communication has been submitted and is pending before this Court or is being submitted to the Court under a separate petition;

(13) whether the non-consenting birth parent has been informed that a Birth Relative of the child, including that birth parent, and the Prospective Adoptive Parent(s) have the opportunity to enter into a Contact Agreement, or the reason(s) why such notice has not or cannot be given; and

(14) that each petitioner has read and understands the petition and believes its filing to be in the child's best interests.

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) the original consent(s) to adoption;

(2) the written consent of a parent or guardian of a consenter who has not reached 18 years of age;

(3) a birth certificate or certification of registration of birth of the child; and

(4) a verified statement from a representative of the Agency or Intermediary, counsel representing the Agency or Intermediary, or counsel representing any other party that notice was provided to the consenter(s) and the birth parent who has not signed a consent to adoption regarding the opportunity to enter into a Contact Agreement and the specific date(s) on which such notice was provided; and

(5) the signed consent(s) of the adult(s) or Agency to accept custody of the child until such time as the adoption is completed.

(c) *Hearing and Decree.*

(1) After the filing of a petition under 23 Pa.C.S. § 2504, the Court shall schedule a private evidentiary hearing providing sufficient time for the Agency, Intermediary, counsel representing the Agency or Intermediary, or counsel representing the Prospective Adoptive Parent(s) to provide notice in compliance with Rule 15.3.

(2) Any person who executed a consent to adoption may appear at the hearing and be examined under oath by the Court, but the presence of such person is not mandatory.

(3) After the hearing, the Court shall enter a decree as provided in 23 Pa.C.S. § 2504(b) terminating the consenter's parental rights if the Court is satisfied that the consent was voluntary, was properly executed in accordance with 23 Pa.C.S. § 2711, and termination of parental rights is in the best interest of the child.

(4) The Court may also terminate the rights of a Putative Father if the Putative Father has been given notice of the hearing and failed to appear at the hearing or file a written objection with the Court prior to the hearing.

Explanatory Comment: Section 2733(c) of the Adoption Act requires the Agency, Intermediary, or an attorney for a party to provide notice to the Prospective Adoptive Parent(s), birth parent(s), and, in some instances, a child of the opportunity to enter into a Contact Agreement. Notice to Birth Relatives who are not birth parents is not statutorily required, although Birth Relatives may enter into and become parties to a Contact Agreement.

The verified statement to be attached as an Exhibit under subparagraph (b)(4) is not required if a proposed, executed agreement for post-adoption contact and/or communication involving that birth parent has been submitted and is pending before the Court or is attached to a separate petition to approve the proposed agreement that is being filed simultaneously with the filing of the petition under 23 Pa.C.S. § 2504. The verified statement under subparagraph (b)(4) is not required if reasons are set forth in the petition as to why notice of the opportunity to enter into a Contact Agreement was not provided to the consenter and/or other birth parent or Putative Father, and the Court determines that such notification need not or cannot be given. Requiring the verified statement to set forth the specific date(s) as to when notice was given is only to further ensure that the particular notice was given and not to suggest that providing this notice is time sensitive and expires after a certain time.

Rule [15.4] 15.8. Involuntary termination of parental rights.

(a) *Petition.* A petition for involuntary termination of parental rights under [Sections 311 and 312 of the Adoption Act shall include] 23 Pa.C.S. §§ 2511—2512 shall contain the following [allegations] averments:

[(1) the name and address of the petitioner and his or her standing;

(2) the name, age, date of birth, racial background, sex and religious affiliation of the child;

(3) the name, address, age, racial background and religious affiliation of the parent or parents, including the father of a child born out of wedlock, if he has been identified;

(4) the marital status of the mother as of the time of birth of the child and during one year prior thereto and, if the mother has ever been married, the name of her husband or husbands and her maiden name;

(5) the date when the child was placed in the care of the petitioner;

(6) facts constituting grounds for the involuntary termination under Section 311 of the Adoption Act, and a reference to the applicable subsection or subsections;

(7) whether either parent of the child is entitled to the benefits of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended (50 U.S.C.A. 501 et seq.);

(8) that the petitioner will assume custody of the child until such time as the child is adopted.]

(1) the name and address of the petitioner(s) and the basis for the standing asserted by the petitioner(s);

(2) the name, age, date of birth, place of birth, racial background, sex, and religious affiliation of the child;

(3) the name, address, age, racial background and religious affiliation of the parent(s), including the father or Putative Father of a child born out of wedlock, if he has been identified;

(4) whether a claim for paternity has been filed under 23 Pa.C.S. § 5103 (relating to claim of paternity) if father of the child is a Putative Father or is identified as unknown in the petition;

(5) the marital status of the mother as of the time of birth of the child and during one year prior thereto;

(6) the date when the child was placed in the care of the petitioner;

(7) the date when the child was removed from the parent(s) who is/are the subject of the petition, if different than the date of placement with the petitioner;

(8) specific facts setting forth why the child was voluntarily or involuntarily placed or removed from the parent(s);

(9) a reference to the applicable subsection(s) of 23 Pa.C.S. § 2511(a) providing the ground(s) for termination and specific facts supporting the termination of parental rights pursuant to the subsection(s) referenced;

(10) that the petitioner has informed the birth parent(s) who is/are the subject of the petition that a Birth Relative of the child, including the birth parent(s) who is/are the subject of the petition, and the Prospective Adoptive Parent(s), once identified, have the opportunity to enter into a Contact Agreement or that such notice was given by the Agency or Intermediary or counsel representing a party, or the reason(s) why such notice has not or cannot be given;

(11) whether a proposed, executed agreement for post-adoption contact and/or communication has been submitted and is pending before this Court or is being submitted to the Court under a separate petition;

(12) whether the petitioner has a present intent to adopt and will assume custody of the child until such time as the child is adopted if the petitioner is an individual; and

(13) that each petitioner has read and understands the petition and believes its filing to best serve the developmental, physical and emotional needs and welfare of the child.

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) a birth certificate or certification of registration of birth of the child;

(2) [the joinder of a parent of a petitioner who is under the age of 18, unless excused by the court.] the signed consent(s) of the petitioner(s) to accept custody of the child until such time as the adoption is completed if the petitioner(s) is other than an Agency; and

(3) a verified Statement from a representative of the Agency or Intermediary, counsel representing the Agency or Intermediary, or counsel representing the petitioner(s), if the petitioner is other than an Agency, that notice was provided to the birth parent(s) that is/are the subject of the petition regarding the opportunity to enter into a Contact Agreement and the specific date(s) on which such notice was given.

(c) *Guardian ad litem.*

(1) When the termination of the parental rights [of a parent who has not attained the age of 18 years is sought] is sought of a birth parent who has not attained the age of 18 years, unless the [court] Court finds the minor birth parent is already adequately represented, the [court] Court shall appoint a *guardian ad litem* or counsel to represent the minor birth parent. The appointment of a *guardian ad litem* or counsel may be provided for in the preliminary [order] decree attached to the petition for involuntary termination of parental rights.

(2) The decree appointing a *guardian ad litem* or counsel shall give the name, date of birth and address (if known) of the individual whom the *guardian ad litem* or counsel is to represent and the proceedings and period of time for which the guardian ad litem or counsel shall act.

(d) [*Notice and hearing.* Notice of the hearing on the petition shall be given, in accordance with Rule 15.6 hereof, to the parent or parents whose rights are sought to be terminated, including the parent of a child born out of wedlock, to any intermediary named in a Report of Intention to Adopt, if one has been filed, and to the guardian of the person or guardian ad litem of any parent or parents who is or are under the age of 18 years. Each petitioner, each person whose joinder or consent is attached to the petition and any intermediary named in a Report of Intention to Adopt shall be examined under oath at the hearing unless they are excused by the court.] *Hearing and decree.*

(1) After the filing of a petition under 23 Pa.C.S. §§ 2511–2512, the Court shall schedule a private evidentiary hearing providing sufficient time for the petitioner or petitioner's counsel to provide notice in compliance with Rule 15.3 and to provide notice to any *guardian ad litem* appointed by the Court.

(2) After the hearing, the Court shall enter a decree terminating parental rights as set forth in 23 Pa.C.S. § 2513(d) if the Court is satisfied that the petitioner has established, by clear and convincing evidence, at least one of the grounds for termination under 23 Pa.C.S. § 2511(a) and thereafter established by clear and convincing evidence that termination will best serve the developmental, physical and emotional needs and welfare of the child.

Explanatory Comment: An averment of a present intent to adopt the child is not necessary if the petitioner is an Agency. Prospective Adoptive Parents need not have been identified prior to the Agency's filing of a petition to involuntarily terminate parental rights.

Section 2733(c) of the Adoption Act requires the Agency or Intermediary, counsel representing the Agency or Intermediary, or counsel representing any other party to provide notice to the Prospective Adoptive Parent(s), birth parent(s), and, in some instances, a child of the opportunity to enter into a Contact Agreement. Notice to Birth Relatives who are not birth parents is not mandated by the statute, although Birth Relatives may enter into and become parties to a Contact Agreement.

The verified statement to be attached as an Exhibit under subparagraph (b)(3) is not required if a proposed, executed agreement for post-adoption contact or communication involving that birth parent already has been submitted and is currently pending before the Court or is attached to a separate petition to approve the proposed agreement that is being filed simultaneously with the filing of the involuntary termination petition. The verified statement under subparagraph (b)(3) is not required if reasons are set forth in the petition, and the Court determines that such notification need not or cannot be given. It is understood that County Agencies may be encouraged early in the process, even during dependency proceedings, to give notice to a birth parent of the opportunity to enter into a Contact Agreement. Requiring the verified statement to set forth the specific date(s) as to when notice was given is only to further ensure that the particular notice was given and not to suggest that providing this notice is time sensitive and expires after a certain time.

(*Editor's Note:* Rules 15.9 and 15.10 are new and printed in regular type to enhance readability.)

Rule 15.9. Notice of Right to File Statement of Medical, Personal and/or Social History Information.

The Clerk shall transmit the decree of termination to the parent whose rights are terminated or to counsel for the parent, if represented. The Clerk shall include in that mailing standard instructions advising the parent of his or her continuing right to file with the Clerk and with the Department medical and personal and/or social history information and to update the information filed, whether or not the medical condition is in existence or discoverable at the time of adoption. The standard instructions shall also inform the birth parent that any information that he or she provides will be retained and disclosed only to those allowed to have non-identifying information in accordance with Subchapter B of Chapter 29 of the Adoption Act, 23 Pa.C.S. §§ 2911 *et. seq.*, and further that identifying information as to that birth parent will be disclosed only if he or she has signed and placed in the court file an authorization or consent form permitting release.

Explanatory Comment: The Clerk may include in the mailing to the birth parent or birth parent's counsel any forms promulgated by the Department, any forms promulgated by the Department of Health, and any forms adopted by Local Rule, including forms authorizing the

release of information, withholding authorization to release information, or revoking any prior authorization to release information.

Rule 15.10. Court Review and Approval of Contact Agreement.

(a) *Time and Filing.* A proposed, executed agreement for post-adoption contact and/or communication signed by the Prospective Adoptive Parent(s) and any Birth Relative(s) ("the proposed agreement") must be appended to a petition requesting the Court to approve the proposed agreement.

(1) If the parental rights of either birth parent have not been terminated, the proposed agreement shall be presented by separate petition to the same Court that has or will receive the petition(s) for terminating parental rights.

(2) If all the birth parents' parental rights, including those of a Putative Father, have been terminated, the proposed agreement shall be presented by separate petition to the Court that will be presented with the adoption petition.

(3) The petition to approve the proposed agreement may be filed by the Agency or Intermediary, any signatory to the proposed agreement, or by the *guardian ad litem* appointed to represent the proposed Adoptee.

(b) *Petition to Approve a Contact Agreement.* A petition to approve the proposed agreement under 23 Pa.C.S. § 2735 shall contain averments setting forth the following specific and material facts, to the extent known to the petitioner:

(1) the age and birth date of the Adoptee;

(2) if the Adoptee has attained twelve (12) years of age, whether the Adoptee sign a written consent agreeing to the proposed agreement or signed the proposed agreement as evidence of his or her consent;

(3) whether the Adoptee has been represented by a *guardian ad litem*, and if so, whether the *guardian ad litem* participated in the negotiation and development of the proposed agreement;

(4) whether there are siblings of the Adoptee, and if so,

(a) the age and birth date of each sibling, specifically noting those siblings who are Minors;

(b) who has legal custody and who has physical custody of each sibling who is a Minor, and the name of any *guardian ad litem* currently representing any of these Minor siblings in any proceeding;

(c) whether any Minor sibling has been freed for adoption pursuant to 23 Pa.C.S. §§ 2503(c), 2504(b), and/or 2513(d) and has been or is being adopted by adopting parents or Prospective Adoptive Parent(s) different than those adopting the Adoptee; and

(d) whether any *guardian ad litem* representing any Minor sibling has participated in the negotiation and development of the proposed agreement;

(5) the length of time that the Adoptee has been under the care, custody and control of individual(s) other than a birth parent, even if such individual(s) is/are other than the Prospective Adoptive Parent(s);

(6) the circumstances under which the Adoptee became freed for adoption;

(7) the length of time that the Adoptee has been in the care and custody of these Prospective Adoptive Parent(s);

(8) any other persons who are not signatories to the proposed agreement but who routinely would be present when the signatory Birth Relative(s) have contact or communications with the Adoptee and the Adoptee's interaction and relationship with such other persons;

(9) the willingness and ability of the signatory Birth Relative(s) to respect and appreciate the bond between Adoptee and Prospective Adoptive Parent(s);

(10) the willingness and ability of the Prospective Adoptive Parent(s) to respect and appreciate the bond between Adoptee and the signatory Birth Relative(s); and

(11) that each petitioner has read and understands the petition and believes its filing and the proposed agreement to be in the best interests of the Adoptee.

(c) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) A copy of the proposed agreement signed by Prospective Adoptive Parent(s) and the involved Birth Relatives;

(2) The Adoptee's signed consent, if any, agreeing to the proposed agreement;

(3) The signed consent(s), if any, of the Adoptee's siblings agreeing to the proposed agreement; and

(4) Affidavits of all signatories to the proposed agreement affirmatively stating that the proposed agreement was entered into knowingly and voluntarily and is not the product of coercion, fraud or duress. The Affidavits may be executed jointly or separately.

(d) *Service of Petition.*

(1) The petitioner shall mail a copy of the petition with the proposed agreement appended thereto and a notice that any responsive pleading or written objections must be filed with the Clerk within ten (10) days from the date indicated on the petition or notice letter to the following:

(A) all signatories to the proposed agreement or their counsel, if represented;

(B) the Agency or Intermediary, if any;

(C) the Adoptee if he or she signed a separate written consent agreeing to the proposed agreement or signed the proposed agreement as evidence of his or her consent, or his or her counsel, if represented;

(D) the Adoptee's *guardian ad litem* if one has been appointed;

(E) any *guardian ad litem* who has been appointed to represent any Minor sibling of the Adoptee; and

(F) any sibling who signed a separate written consent agreeing to the proposed agreement or signed the proposed agreement as evidence of his or her consent.

(2) A signed Certificate of Service shall be appended to the petition or filed separately and contemporaneously with the filing of the petition, stating that a copy of the petition with the requisite notice for filing any responsive pleading or written objection was mailed by first-class, United States mail, postage prepaid, to those listed above in subparagraphs (1)(A)—(1)(F), as applicable.

(e) *Guardian ad litem.* Upon its own motion, or if requested by the petitioner or by any previously appointed *guardian ad litem*, the Court shall appoint a new *guardian ad litem* or reappoint any prior *guardian(s) ad litem* for any or all of the following:

(1) the Adoptee if one is not currently serving; and

(2) any Minor sibling(s) of the Adoptee who has been freed for adoption pursuant to 23 Pa.C.S. §§ 2503(c),

2504(b), and/or 2513(d) and has been or is being adopted by adopting parents or Prospective Adoptive Parent(s) different than those adopting the Adoptee.

(f) *Court Review and Approval; Necessity of a Hearing and Notice of the Hearing.*

(1) If, upon a review of the petition and the attached exhibits, the Court determines that the proposed agreement is in the best interest of the Adoptee, the Court may issue a decree approving the proposed agreement attached to the petition, but not less than ten (10) after the date of the Certificate of Service, unless all of those entitled to notice under subparagraph (d)(1) have signed a writing waiving the notice required therein.

(2) The Court shall schedule and conduct a private evidentiary hearing under any one of the following circumstances:

(A) upon a review of the petition and the attached exhibits, the Court does not find sufficient evidence that the proposed agreement is in the best interest of the Adoptee;

(B) any person receiving notice of the filing of the petition under subparagraph (d)(1) files with the Clerk a responsive pleading or written objections objecting to the petition or the terms of the proposed agreement; or

(C) for any other reason within the Court's discretion.

(3) *Notice of the Hearing.* The petitioner shall provide notice of the scheduled hearing as follows:

(A) Notice of the hearing shall be provided to:

(i) all signatories to the proposed agreement or their counsel, if represented;

(ii) the Agency or Intermediary, if any;

(iii) the Adoptee if he or she signed a separate written consent agreeing to the proposed agreement or signed the proposed agreement as evidence of his or her consent, or his or her counsel, if represented;

(iv) the Adoptee's *guardian ad litem* if one has been appointed;

(v) any *guardian ad litem* that has been appointed to represent any Minor sibling of the Adoptee; and

(v) any sibling who signed a separate written consent agreeing to the proposed agreement or signed the proposed agreement as evidence of his or her consent.

(B) Notice of the hearing need not comport with the requirements of Rule 15.3, and notice may be sent by first-class United States mail, postage prepaid, by electronic mail, or by whatever other means will effectively inform everyone entitled to notice of the date, time, and place of the hearing and the necessity of their presence at the hearing.

(C) A Certificate of Service attested by the petitioner shall be presented to the Court at the time of the hearing. The Certificate of Service shall indicate the method of notice and shall have attached thereto a copy of the notice, any affidavit by one who made personal service, any receipt cards for service sent by registered or certified mail, and any electronic receipt confirmation from anyone receiving notice electronically.

(D) The following persons shall attend the hearing unless otherwise excused by the Court for good cause shown:

(i) All signatories to the proposed agreement;

(ii) the Adoptee;

(iii) any sibling who signed the proposed agreement or signed a separate written consent agreeing to the proposed agreement;

(iv) any *guardian ad litem* appointed to represent the Adoptee or Minor sibling(s) of the Adoptee; and

(v) anyone else that the Court directs to attend the hearing.

(4) *Decree after an evidentiary hearing.* If, after the hearing, the Court determines that the proposed agreement is in the best interest of the Adoptee, the Court shall issue a decree approving the proposed agreement. If, after the hearing, the Court determines that the testimony has failed to establish that the proposed agreement is in the best interest of the Adoptee, the Court shall issue a decree denying approval of the proposed agreement and setting forth the specific reason(s) for the denial.

(g) *Court Decree.* The Court shall review and grant or deny the petition to approve the proposed agreement for post-adoption contact and/or communication on or before the date when the decree of adoption is entered in accordance with 23 Pa.C.S. § 2902.

Explanatory Comment: It is the belief and hope of many social workers, Agencies, practitioners and jurists that the opportunity to develop agreements for post-adoption contact and/or communication will facilitate and encourage adoptions. Many advocate that discussions about post-adoption contact and/or communication agreements begin as early as possible, especially once all the necessary parties are identified. To this end, the Courts will accept, review and approve a proposed agreement for post-adoption contact and/or communication at any stage of the proceeding. If practical, a petition to approve a proposed, executed agreement may be conducted as part of a parental rights termination hearing under 23 Pa.C.S. §§ 2503, 2504, or 2513 or as part of an adoption hearing under 23 Pa.C.S. § 2724. The Rule above establishes where the petition to approve the proposed agreement should be filed depending upon whether parental rights have been terminated.

Section 2735 of the Adoption Act, 23 Pa.C.S. § 2735, does not indicate who is responsible for filing the petition seeking Court approval of the proposed agreement for post-adoption contact and/or communication. The Orphans' Court Procedural Rules Committee decided not to impose the obligation on any one party in all instances, but rather, to allow the individuals to the proposed agreement and the Agency or Intermediary facilitating the negotiation and development of the proposed agreement to determine who should be responsible for drafting and filing the petition depending upon the resources and circumstances of all those involved.

The Rule requires an averment as to the existence of any Minor siblings of the Adoptee who are freed for adoption, but not being adopted by the same Prospective Adoptive Parent(s) so that the Court, before reviewing and considering the proposed agreement, can determine whether it is necessary to appoint a *guardian ad litem* to represent any Minor siblings. See 23 Pa.C.S. § 2733(b).

Section 2735 of the Adoption Act, 23 Pa.C.S. § 2735, does not require a court hearing in order to approve the proposed agreement, and the Orphans' Court Procedural Rules Committee decided not to impose an evidentiary hearing requirement in all instances. Nevertheless, given that a Minor cannot attest to a notary that he or she executed or consented to a proposed agreement voluntarily, knowingly, without coercion, fraud or duress, best

practices would be for the Court to conduct its own inquiry whenever an Adoptee or any of the Adoptee's Minor siblings signed a separate consent agreeing to the proposed agreement or signed the proposed agreement as evidence of such consent to ensure that the Minor consented to or signed the proposed agreement voluntarily and fully understands the terms of the proposed agreement. Since section 2738(c)(3) of the Adoption Act, 23 Pa.C.S. § 2738(c)(3), requires any Adoptee who has attained twelve (12) years of age to consent to the proposed agreement, best practices would be to conduct evidentiary hearings in these situations.

Also, at any hearing conducted by the Court, the Adoptee's presence is required regardless of the Adoptee's age and whether the Adoptee consented in writing to the proposed agreement. It is hoped the Court, at that hearing, will ensure that the Adoptee is fully informed of his or her statutory rights to petition to enforce or modify the Contact Agreement or seek its discontinuance in the same Court that conducts the adoption hearing. Also, any sibling who is present at the hearing should be informed by the Court of his or her statutory right to enforce the Contact Agreement in the appropriate Court.

The Court must find, either by reviewing the petition and exhibits or by conducting an evidentiary hearing, that the proposed agreement, as submitted, is in the Adoptee's best interests. Since the statute does not indicate the appropriate standard of proof, this question will have to be determined by developing caselaw. Section 2734 does specify that the proposed agreement may not be enforced without the Adoptee who has attained twelve (12) years of age at the time of the agreement's execution consenting to the proposed agreement, thereby suggesting that a proposed agreement cannot be found to be in the best interests of an Adoptee who has attained twelve (12) years of age and refuses to consent to the proposed agreement.

Notwithstanding the factual averments contained in the petition for approval of the proposed agreement, the affidavits attached as exhibits to the petition, the testimony of witnesses at an evidentiary hearing, including the possible testimony of signatories to the proposed agreement, caseworkers, and psychologists, the Court still may determine that the proposed agreement is not in the Adoptee's best interest, and the denial of approval shall be appealable as provided in Pa.R.A.P. 311, 312, 1311, and 341. However, by setting forth the specific reason(s) for denial, it is intended that the individuals involved will attempt to fashion a revised agreement for post-adoption contact or communication that will meet the Court's approval.

Once approved, the Contact Agreement must be filed with the Clerk of the Court that signs and enters the adoption decree under 23 Pa.C.S. §§ 2902, 2908. Neither the statute nor these Rules impose that obligation on any one of the signatories to the Contact Agreement, except as provided in Rules 15.11 and 15.13 below. Although agreements providing for post-adoption communication or contact may be negotiated and entered into without any seeking judicial approval, the Court will enforce and provide remedies only for those agreements that received Court approval on or before the date when the Adoptee's adoption was finalization. *See* 23 Pa.C.S. §§ 2735(c), 2738(c)(3).

Rule [15.5] 15.11. Adoption.

(a) *Petition.* [**The**] A petition for adoption under 23 Pa.C.S. § 2701 shall contain [all declarations and

information required by Section 401 of the Adoption Act and any additional information required by local rules.] the following averments:

(1) the name, address, marital status, age, occupation, racial background and religious affiliation of the petitioner(s);

(2) the name of the Adoptee;

(3) the relationship, if any, of the petitioner(s) to the Adoptee;

(4) whether the Adoptee has resided with the petitioner(s), and if so, the length of time that Adoptee has so resided with the petitioner(s)

(5) the Intermediary's name and address, if any;

(6) whether the home study and preplacement report under 23 Pa.C.S. § 2530, the Report of an Intention to Adopt under 23 Pa.C.S. § 2531, and the Report of Intermediary under 23 Pa.C.S. § 2533 have been filed, and if not filed, the date when it is anticipated that such reports will be filed;

(7) if there is no Intermediary, if no Report of the Intermediary has been or will be filed, or if the Adoptee has attained eighteen (18) years of age, all vital statistics and other information required in the Report of the Intermediary, so far as is applicable;

(8) whether a birth certificate or certification of registration of birth of the Adoptee is attached to the petition as an exhibit, and if not attached, the reasons why it is not attached, the efforts made to obtain the birth certificate or certification of registration of birth, and the evidence available to establish a date and place of birth of the Adoptee;

(9) whether all the consents required by 23 Pa.C.S. § 2711 are attached to the petition as exhibits;

(10) if any of the exhibits listed in subparagraph (a)(6) or (a)(9) are not attached to the petition, specific averments explaining why such exhibits have not been attached and the reasons showing cause why the Court may enter a decree of adoption under 23 Pa.C.S. § 2901, notwithstanding the absence of all legal requirements having been met;

(11) whether the Agency or Intermediary, if any, counsel representing the Agency or Intermediary or counsel representing any other party to the adoption has informed the Prospective Adoptive Parent(s) and the Adoptee who has attained twelve (12) years of age of the opportunity to enter into a Contact Agreement, or the reason(s) why such notice has not or cannot be given;

(12) whether a proposed, executed agreement for post-adoption contact and/or communication is attached to the petition as an exhibit, and if so, an averment as to one of the following:

(A) the Contact Agreement and Court order approving the Contact Agreement are attached as exhibits to the petition; or

(B) a proposed, executed agreement for post-adoption contact and/or communication has been submitted and is pending before the Court; or

(C) a proposed, executed agreement for post-adoption contact and/or communication is being

filed with this petition or under a separate petition simultaneously with the filing of this petition;

(13) the proposed new name of the Adoptee if a change in name is desired;

(14) that the petitioner(s) desire to have the relationship of parent and child established between the petitioner(s) and the Adoptee; and

(15) that each petitioner has read and understands the petition and believes its filing to be in the Adoptee's best interests.

(b) *Exhibits.* The petition shall have attached to it the following exhibits:

(1) a birth certificate or certification of registration of birth of the child;

(2) the consent(s) required by 23 Pa.C.S. §§ 2711, as applicable;

(3) unless previously filed, the Report of the Intermediary with the exhibits required under 23 Pa.C.S. § 2534;

(4) a verified statement from a representative of the Agency or Intermediary, counsel representing the Agency or Intermediary, or counsel representing any other party that notice was provided to the Prospective Adoptive Parent(s) and to the Adoptee if he or she has attained twelve (12) years of age regarding the opportunity to enter into a Contact Agreement and the specific date(s) on which such notice was given; and

(5) any Contact Agreement and the Court order approving the Contact Agreement, or if not previously approved, any proposed, executed agreement for post-adoption contact and/or communication for which Court approval is requested, unless the agreement is being submitted under a separate petition.

(c) *Notice or Consent—Parents of Child.*

(1) Notice [as provided by Rule 15.6] of the hearing on the petition for adoption shall be given to each birth parent as provided by Rule 15.3 unless:

[(1)] (A) he or she has consented in writing to the adoption and [waived notice of hearing, or] his or her consent has been previously confirmed as provided in Rule 15.7;

[(2)] (B) he or she has voluntarily relinquished his or her parental rights in a proceeding under Rule [15.2] 15.5 or Rule [15.3,] 15.6; or

[(3)] (C) his or her parental rights have been involuntarily terminated in a proceeding under Rule [15.4] 15.8.

(2) If, as part of the adoption hearing, the petitioner(s) is/are seeking Court approval for a proposed, executed agreement for post-adoption contact and/or communication, the petitioner(s) shall serve a copy of the petition for approval and the proposed agreement as provided in subparagraph (d)(1) of Rule 15.10 upon the individuals and entities therein listed, shall file a Certificate of Service as provided in subparagraph (d)(2) of Rule 15.10, and shall provide notice of the adoption hearing to these individuals and entities as provided in subparagraph (f)(3) of Rule 15.10.

[(c)] (d) *Investigation.* A petition for adoption shall be subject to investigation as prescribed by local rules. The investigation report shall cover the matters alleged in the petition, any other matters that may affect the welfare of the child, and the information required by [Sections 335 and 424 of the Adoption Act] 23 Pa.C.S. §§ 2535 and 2724.

[(d) Disclosure of fees and costs.] (e) *Hearing.* The Court shall conduct a hearing on the petition for adoption to determine the desirability of the proposed adoption and whether the adoption will promote the Adoptee's needs and welfare. Upon a hearing, if the Court determines that the adoption can be granted, the Court shall enter a decree as provided in Section 2902 of the Adoption Act. See 23 Pa.C.S. § 2902.

(1) If the petition for adoption contains averments as provided in subparagraph (a)(10), the Court shall take evidence to determine if the petitioner has shown cause for failing to meet the statutory requirements of the Adoption Act and has demonstrated that the Adoptee's needs and welfare nevertheless will be best served by entering a decree of adoption. The petitioner shall present evidence upon which the Court can find cause to dispense with a statutory requirement of the Adoption Act at the adoption hearing or in a separate hearing, as the Court may determine.

(2) At the hearing on the petition for adoption, there shall be offered in evidence a report, certified by counsel for the [petitioner] petitioner(s), setting forth the amount of fees and expenses paid or to be paid to counsel, and any other fees, costs and expenses paid or to be paid to an [intermediary] Intermediary or any other person or institution, in connection with the adoption.

[(e)] (f) *Adult—Change of Name.* When the person to be adopted is over the age of 18 years and desires to assume the surname of the adopting [parent or parents] parent(s), evidence showing compliance with the law relating to change of name must be introduced before a decree will be made.

(g) *Decree.* The Decree of Adoption shall conform to the requirements of 23 Pa.C.S. §§ 2901—2902, 2904.

Explanatory Comment: The Court, in its discretion, can dispense with any statutory requirement of the Adoption Act for cause shown. See 23 Pa.C.S. 2901. As a result, if petitioner is unable to satisfy all the prerequisites or attach all the exhibits required by the Adoption Act, the petition for adoption should not be dismissed summarily. Rather, the petitioner should be afforded an opportunity to demonstrate why a statutory requirement has not or cannot be met and why the proposed Adoptee's best interest is nevertheless served by granting the adoption petition. For example, in *In re Adoption of R.B.F. and R.C.F.*, 569 Pa. 269, 803 A.2d 1195 (2002), the Supreme Court, after construing and relying upon section 2901, determined that the Adoption Act does not preclude two unmarried same-sex partners (or unmarried heterosexual partners) from adopting a child because the hearing judge for cause shown can dispense with the statutory requirement that a consent to adopt under section

2711(d) include, *inter alia*, a relinquishment of parental rights by the parent consenting to the adoption.

If the petition for adoption contains averments as provided in paragraph (a)(10), the Court shall conduct an evidentiary hearing. If after reviewing the averments in the petition, the Court is satisfied that cause can be shown and the Adoptee's best interests will be promoted by the entry of a decree of adoption, then the Court should conduct one hearing on the adoption petition, taking evidence of why all the statutory requirements have not and need not be met as well as why the Adoptee's needs and welfare will be promoted by the adoption. Nothing prevents the Court, in its discretion, from conducting separate evidentiary hearings if the Court after reviewing the petition is uncertain that the averments establish sufficient cause for relieving the petitioner(s) of a statutory requirement under the Adoption Act. In all cases, however, the petitioner is entitled to a hearing and an opportunity to present evidence in support of the averments in the petition. *See In re Adoption of R.B.F. and R.C.F.* The Court, in its discretion, can dispense with any statutory requirement of the Adoption Act if the petitioner presents evidence establishing cause for failing to meet a statutory requirement. *See* 23 Pa.C.S. § 2901.

Per section 2733(c) of the Adoption Act, 23 Pa.C.S. § 2733(c), notice of the opportunity to enter into a Contact Agreement should be given to any Adoptee who reasonably can be expected to understand the opportunity, benefits and consequences of continuing post-adoption contact and communication with Birth Relative(s). Notwithstanding the statutory language, this Rule requires proof only that notice was given to an Adoptee who is twelve (12) years of age or older because the Court, without separate, independent evidence and observations, is not capable of determining which Adoptees are sufficiently mature and capable of understanding this notice and opportunity; and furthermore, only an Adoptees who has attained twelve (12) years of age must consent to any proposed agreement for post-adoption contact and/or communication submitted to the Court for approval. *See* 23 Pa.C.S. § 2738(c)(3).

Rule [15.8] 15.12. Registration of foreign adoption decree.

(a) Adopting parent(s) may petition the Court [of Common Pleas] in the county of their residence to register a foreign adoption decree so that it will be given full and final effect in this Commonwealth. The [**Petition and Final Decrees**] petition and final decrees shall be in substantially the form approved by the Supreme Court. *See* Appendix of Forms to these Rules.

(1) As part of the Petition to Register Foreign Adoption Decree, [a child's] an Adopted Child's name may be changed from that appearing on the foreign adoption decree if the [**child is younger than**] Adopted Child has not yet attained twelve (12) years of age.

(b) A foreign adoption decree previously registered or otherwise finalized by a Court of this Commonwealth or of any other state may not be registered subsequently in another Court of this Commonwealth.

(c) If the Court [of Common Pleas] determines that the foreign adoption decree can be registered, the Court shall sign the [**Final Decree**] final decree and shall direct the Clerk [of the appropriate Court] to enter the date of the foreign adoption decree and identify the foreign court on the docket. The Clerk shall send Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child, and Form No. HD01275F, Statement of Citizenship and Residency, to the Department of Health, Division of Vital Records, along with a copy of U.S. Government Form N-560, Certificate of Citizenship, and/or a copy of the child's United States passport, if either or both documents have been provided by the adopting parent(s). The Clerk shall issue to the adopting parent(s) a certificate of adoption in accordance with [**Section 2907 of the Adoption Act**] 23 Pa.C.S. § 2907. [*See* 23 Pa.C.S. § 2907.]

(d) If the Court [of Common Pleas] determines that the foreign adoption decree cannot be registered, the adopting parent(s) shall proceed as applicable under the provisions set forth in the Adoption Act, 23 Pa.C.S. §§ 2101 *et seq.*, Pa.O.C. Rule [15.9] 15.13 (specific to the adoption of a foreign born child), and local rules [of court].

(e) Adopting parent(s) who are eligible to register the foreign adoption decree under this Rule may, for any reason, proceed under Pa.O.C. Rule [15.9] 15.13.

Explanatory [Note] Comment: Pursuant to 23 Pa.C.S. § 2908(b), as amended by Act 96 of 2006, a set of forms, consisting of a Petition to Register Foreign Adoption Decree, Final Decrees approving and denying the Petition, and detailed Instructions for the pro se petitioner(s) are set forth in the Appendix to these Rules.

The [**Petition**] petition should be filed with the Clerk of the Orphans' Court Division, except in Philadelphia County, where it should be filed with the Clerk of the Family Court Division. The [**Petition**] petition and accompanying documents, including the [**Final Decree**] final decree, are confidential and should be impounded and withheld from public inspection as provided in the Adoption Act, 23 Pa.C.S. §§ [2905,] 2906, 2907 [and], 2908(f), and 2911—2937 and Pa.O.C. Rule [15.7] 15.20.

The Clerk shall make available to petitioner(s) the necessary Department of Health, Division of Vital Records forms: Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child; and Form No. HD01275F, Statement of Citizenship and Residency.

A change of name from that appearing on the foreign adoption decree is permitted without the need to comply with the procedures of 54 Pa.C.S. § 702 if the child is younger than twelve (12) years of age. *Cf.* 23 Pa.C.S. § 2711(a)(1). If the foreign born adopted child is twelve (12) years of age or older, then the child and parent(s) would need to follow the procedures set forth in 54 Pa.C.S. § 702 and would not be foreclosed by 54 Pa.C.S. § 702(b)(5)(ii) because the name change petition would not be in connection with any adoption proceeding as the foreign adoption is full and final and therefore completed.

A foreign born child who has been issued an IR-2, IR-3 or IH-3 United States visa has had the adoption proceeding fully completed in the foreign country and the foreign adoption decree only needs to be registered here to be given the full force and effect of an adoption decree issued

by this Commonwealth. However, situations may arise that necessitate proceeding under Pa.O.C. Rule [15.9] 15.13 even though the foreign born child has been issued an IR-2, IR-3 or IH-3 United States visa, such as the inclusion of an incorrect birth year on the foreign adoption decree, or other personal family reasons. Proceeding under Pa.O.C. Rule [15.9] 15.13 is permitted; Pa.O.C. Rule [15.8] 15.12 is not the exclusive means to obtain a Pennsylvania adoption decree and birth certificate for a foreign born adopted child.

Only one court, whether in this Commonwealth or another state, should exercise jurisdiction over the foreign adoption decree. Thus, if the foreign adoption decree has been registered or otherwise finalized in another state court, the adopting parent(s) need not and should not register the foreign adoption decree in this Commonwealth under this Rule. In similar fashion, if the foreign adoption decree has been registered in this Commonwealth, and thereafter, another petitioner in this Commonwealth seeks to adopt this [child] Adopted Individual, the subsequent proceeding will be a standard proceeding under the applicable provisions of the Adoption Act, 23 Pa.C.S. § 2101 *et seq.* Such a situation could occur when the [child] Adopted Child is to be adopted by a step-parent after divorce or death of the original adopting parent(s), or when, after termination of parental rights, the [child] Adopted Child is to be adopted by Prospective Adoptive Parent(s) different than the original adopting parent(s).

If the Court determines that the foreign adoption is not a full and final adoption because the foreign born child has been issued an IH-4 or IR-4 visa, the adopting parent(s) shall proceed under subdivision (d) of this Rule. See also Pa.O.C. Rule [15.9] 15.13.

Notice of the opportunity to enter into a Contact Agreement is not required to be given to the birth parent(s) of a foreign born Adopted Child if such Adopted Child has been issued an IR-2, IR-3, IH-2, or IH-3 United States visa because the adoption was completed in the native country of the foreign born Adopted Child pursuant to the laws and rules of that country. Under this Rule 15.12, the Court is merely registering the foreign adoption decree, which evidences a completed adoption, and giving it the full force and effect of a Pennsylvania adoption.

Rule [15.9] 15.13. Petition for adoption of a foreign born child.

(a) *General Rule.* [Adopting] Prospective Adoptive Parent(s) or adopting parent(s) who are residents of the Commonwealth may petition the Court [of Common Pleas] in any county as provided in [Section 2302 of the Adoption Act (see 23 Pa.C.S. § 2302)] 23 Pa.C.S. § 2302 to proceed with an adoption of their foreign born [child] Adoptee or Adopted Child who has entered the United States pursuant to an IR-2, IR-3, IH-3, IR-4 or IH-4 United States visa.

(b) *Required Documents.* The following documents shall be filed in the following order with the Clerk [of the appropriate division of the Common Pleas Court]:

(1) Preliminary Decree;

(2) Final Decree;

(3) Petition for Adoption of a Foreign Born Child, including therein, if the foreign born Adoptee has entered the United States pursuant to an IR-4 or IH-4 United States visa, an averment as to whether the Prospective Adoptive Parent(s), the birth parent(s), and the Adoptee who has attained twelve (12) years of age have been informed of the opportunity to enter into a Contact Agreement and whether an executed, proposed agreement for post-adoption contact or communication has been submitted and is pending before the Court or is being filed with this petition or under a separate petition at the same time as the filing of this petition;

(4) Copy of United States visa;

(5) Reports of investigations, home studies, preplacement and postplacement;

(6) Copy of birth certificate of foreign born [child] Adoptee or Adopted Child (if available), with translation;

(7) Copy of any other relevant foreign decrees and/or documents with translations;

(8) Consents of any person and/or [agency] Agency having custody and/or legal and/or physical rights to the [child] Adoptee or Adopted Child;

(9) Report of Intermediary (if an [intermediary agency] Intermediary was involved);

(10) Verifications signed by petitioner(s), [intermediary] Intermediary and translator(s) stating that facts set forth are true and correct, copies are true and correct copies of originals, that the English translation of foreign documents is accurate, and that false statements are subject to the penalties of 18 Pa.C.S. § 4904;

(11) if the Adoptee entered the United States pursuant to an IR-4 or IH-4 United States visa, a verified statement signed by a representative of the Agency or Intermediary, counsel for the Agency or Intermediary, or counsel for any other party that notice was provided to the petitioner(s), the Adoptee's birth parent(s), and the Adoptee if he or she has attained twelve (12) years of age regarding the opportunity to enter into a Contact Agreement and the specific date(s) on which such notice was given; and

(12) Pennsylvania Department of Health, Division of Vital Records Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child with Parts 1 and 2 (and Part 3, if applicable) completed;

[(12)] (13) Pennsylvania Department of Health, Division of Vital Records Form No. HD01275F, Statement of Citizenship and Residency; and

[(13)] (14) A copy of U.S. Government Form N-560, Certificate of Citizenship, and/or a copy of the [child's] Adoptee's or Adopted Child's United States passport, if either or both documents are available.

(c) *Form of Documents.* The Preliminary Decree, Final Decree, Petition for Adoption of a Foreign Born Child, Report of Intermediary (if applicable), and verifications referenced in subparagraph (b)(10) above shall be in substantially the form approved by the Supreme Court. See Appendix of Forms to these Rules.

(d) *Judicial Review and Hearing.*

(1) *Scope of Review.* The [**Petition**] **petition** and accompanying documents filed under this Rule shall be subject to review by the Court as prescribed by the Pennsylvania Adoption Act, 23 Pa.C.S. § 2101 *et seq.*, Pennsylvania Orphans' Court Rules and local rules [**of court**].

(2) *Home Study and Investigation.* The Court may rely in whole or in part upon a home study containing information required by [**Section 2530(b) of the Adoption Act**] 23 Pa.C.S. § 2530(b) and an investigative report containing information required by [**Section 2535(b) of the Adoption Act**] 23 Pa.C.S. § 2535(b) previously commissioned in the foreign adoption proceeding without regard to when such reports were prepared. [**See 23 Pa.C.S. §§ 2530, 2535.**] The Court may in its discretion require additional reports and investigations to be made in accordance with the Pennsylvania Adoption Act, Pennsylvania Orphans' Court Rules and local rules [**of court**].

(3) *Original Documents, Decrees and Translations.* All original documents, decrees and translations must be available for review by the Court upon request.

(4) *Pre-adoption Requirements.* In order to grant an adoption, the Court must be satisfied that the pre-adoption requirements set forth in [**Sections 2530—2535 of the Adoption Act**] 23 Pa.C.S. §§ 2530—2535 have been met. [**See 23 Pa.C.S. §§ 2530—2535.**] If the **Prospective Adoptive Parent(s)** or adopting parent(s) were Pennsylvania residents at the time that the United States visa was issued to the foreign born child, the Court may accept an IH or IR United States visa as proof that the pre-adoption requirements have been met.

(5) *Proof that the Child is an Orphan.* In order to grant an adoption, the Court must be satisfied that the [**child to be adopted**] **Adoptee** is an orphan. The Court may accept the [**child's**] IH or IR United States visa **of the Adoptee or Adopted Child** as proof that the foreign born child is an orphan.

(6) *Hearing.* The Court shall schedule a hearing to allow for testimony pursuant to [**Sections 2721—2724 of the Adoption Act**] 23 Pa.C.S. §§ 2721—2724. [**See 23 Pa.C.S. §§ 2721—2724.**] Petitioner(s) and the [**child to be adopted**] **Adoptee or Adopted Child** shall appear at the hearing. The Court may in its discretion require the presence of additional persons, including a representative of the [**intermediary**] **Intermediary**.

(e) *Disclosure of Fees and Costs.* Prior to or at the hearing, a report shall be filed setting forth the amount of fees, expenses and costs paid or to be paid to counsel, the [**intermediary**] **Intermediary** and/or any other person or [**agency**] **Agency** in connection with the adoption of the foreign born [**child**] **Adoptee or Adopted Child**. The Court may request an itemization of any of the amount(s) reported.

(f) *Final Decree.* After the hearing, the Court shall determine if the adoption of the foreign born [**child**] **Adoptee or Adopted Child** can be granted, and if so, the Court shall enter a decree as provided in [**Section 2902 of the Adoption Act**] 23 Pa.C.S. § 2902. [**See 23 Pa.C.S. § 2902.**]

(g) *Clerk of the Appropriate Court.* Upon the filing of a decree granting the adoption under this Rule, the Clerk [**of the appropriate Court**] shall enter the decree and date of the decree on the docket. The Clerk shall send Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child, and Form No. HD01275F, Statement of Citizenship and Residency, to the Department of Health, Division of Vital Records, along with a copy of U.S. Government Form N-560, Certificate of Citizenship, and/or a copy of the [**child's**] **Adoptee or Adopted Child's** United States passport, if either or both documents have been provided by the **Prospective Adoptive Parent(s)** or adopting parent(s). The Clerk shall issue to the **Prospective Adoptive Parent(s)** or adopting parent(s) a certificate of adoption in accordance with [**Section 2907 of the Adoption Act**] 23 Pa.C.S. § 2907. [**See 23 Pa.C.S. § 2907.**]

(h) *Only One Court May Assume Jurisdiction.* [**A parent**] **Prospective Adoptive Parent(s)** or adopting parent(s) shall not proceed under this Rule if the foreign adoption has been registered or otherwise finalized by a Court of this Commonwealth or any other state.

Explanatory [Note] Comment: Pursuant to 23 Pa.C.S. § 2908(e), as amended by Act 96 of 2006, a set of forms, consisting of a Petition for Adoption of a Foreign Born Child, Report of Intermediary, Verification of Translator, Preliminary Decree, and Final Decree are set forth in the Appendix to these Rules.

In most instances, the adopting parent(s) of a foreign born [**child**] **Adopted Child** who has entered the United States with an IR-2, IR-3 or IH-3 United States visa will not need to proceed under Pa.O.C. Rule [**15.9**] **15.13**, but can register the foreign adoption decree pursuant to [**Pa.O.C. Rule 15.8**] **Rule 15.12**. Situations may arise, though, that necessitate proceeding under this Rule, such as the inclusion of an incorrect birth year on the foreign adoption decree, or other personal family reasons. In these situations, adopting parent(s) of a foreign born [**child**] **Adopted Child** entering the United States with an IR-2, IR-3, or IH-3 United States visa may proceed under [**Pa.O.C. Rule 15.9**] **Rule 15.13**; however, adopting parent(s) should be advised by counsel of the additional costs, additional documentation required, and the delay caused by the need for a hearing.

If a foreign born [**child**] **Adoptee** has entered the United States with an IH-4 or IR-4 United States visa, the [**adopting parent(s)**] **Prospective Adoptive Parent(s)** must proceed under [**Pa.O.C. Rule 15.9**] **Rule 15.13** because the adoption of their foreign born [**child**] **Adoptee** was not finalized in the country of the [**child's**] **Adoptee's** birth.

Only one state court, whether in this Commonwealth or another state, should exercise jurisdiction over the registration of the foreign adoption decree or the completion of the adoption initiated in the native country of the foreign born child. Thus, if the adoption has been finalized or the foreign adoption decree has been registered in another state court or in another [**court**] **Court** within this Commonwealth, the adopting parent(s) need not and should not proceed under this Rule. In similar fashion, if the adoption of the foreign born [**child**] **Adopted Child** has been finalized in this Commonwealth, and thereafter, another petitioner seeks to adopt this [**child**] **Adopted**

Individual, the subsequent proceeding will be a standard proceeding under the applicable provisions of the Adoption Act, 23 Pa.C.S. § 2101 *et seq.* Such a situation could occur when the [**child**] **Adopted Individual** is to be adopted by a step-parent after divorce or death of the original adopting parent(s), or when, after termination of parental rights, the [**child**] **Adopted Child** is to be adopted by **Prospective Adoptive Parent(s)** different than the adopting parent(s).

The documents referenced in [**Pa.O.C. Rule 15.9**] **Rule 15.13** should be filed with the Clerk of the Orphans' Court Division, except in Philadelphia County, where they should be filed with the Clerk of the Family Court Division. The [**Petition**] **petition** and accompanying documents under this Rule, including the decree granting the adoption, are confidential and should be impounded and withheld from public inspection as provided in the Adoption Act, 23 Pa.C.S. §§ [**2905 et seq.**] **2906, 2907, 2908(f), and 2911—2937** and Rule [**15.7**] **15.20**.

The Clerk shall make available to the petitioner(s) the necessary Department of Health, Division of Vital Records forms: Form No. HD01273F, Certificate of Adoption of a Foreign-Born Child; and Form No. HD01275F, Statement of Citizenship and Residency.

Notice of the opportunity to enter into a Contact Agreement is not required to be given to the birth parent(s) of a foreign born child if the Adopted Child has been issued an IR-2, IR-3, IH-2, or IH-3 United States visa because the adoption was completed in the native country of the foreign born Adopted Child pursuant to the laws and rules of that country. The foreign adoption decree evidences a completed adoption, and the proceeding under this Rule is only to give the foreign adoption decree the full force and effect of a Pennsylvania adoption.

By contrast, for an Adoptee who has been issued an IR-4 or IH-4 United States visa, notice of the opportunity to enter into a Contact Agreement needs to be given to the Prospective Adoptive Parent(s), the Adoptee's birth parent(s) whose identity and whereabouts is/are known, and the foreign born Adoptee who has attained twelve (12) years of age because the adoption was not completed in the native country and is being completed under the laws and statute of the Pennsylvania Adoption Act which requires such notice pursuant to 23 Pa.C.S. § 2733(c). Per section 2733(c) of the Adoption Act, 23 Pa.C.S. § 2733(c), notice of the opportunity to enter into a Contact Agreement should be given to any Adoptee who reasonably can be expected to understand the opportunity, benefits and consequences of continuing post-adoption contact and communication with Birth Relative(s). Notwithstanding the statutory language, this Rule requires proof only that notice was given to Adoptees who are twelve (12) years of age or older because the Court, without separate, independent evidence and observations, is not capable of determining which Adoptees are sufficiently mature and capable of understanding this notice and opportunity; and furthermore, only those Adoptees who have attained twelve (12) years of age must consent to any proposed agreement for post-adoption contact and/or communication submitted to the Court for approval. See 23 Pa.C.S. § 2738(c)(3).

(*Editor's Note: The Rule 15.14—15.19 are new and printed in regular type to enhance readability.*)

Rule 15.14. Notice and service in subsequent petitions regarding contact agreements.

(a) *Service of Petition.*

(1) The petitioner shall mail to those listed below in subparagraphs (A)—(D), as applicable, a copy of any petition to modify, enforce, or discontinue the Contact Agreement, including therewith a notice that a responsive pleading or written objections must be filed with the Clerk within twenty (20) days from the date indicated on the petition or notice letter:

(A) all signatories to the Contact Agreement;

(B) the Adopted Child who is the subject of the Contact Agreement;

(C) any sibling of the Adopted Child who has continuing contact or communication with the Adopted Child under the terms of the Contact Agreement; and

(D) any Agency or Intermediary that previously had legal custody of the Adopted Child or was involved in facilitating the adoption.

(2) A verified Certificate of Service shall be appended to the petition or filed separately and contemporaneously with the filing of the petition, stating that a copy of the petition with the requisite notice for filing any responsive pleading or written objection was mailed by first-class, United States mail, postage prepaid, to those listed above in subparagraphs (1)(A)—(1)(D), as applicable.

(b) *Notice and Hearing.* After the filing of a petition to modify, a petition to enforce, or a petition to discontinue the underlying Contact Agreement, the Court shall schedule a private evidentiary hearing that shall not be during the twenty (20) days when a responsive pleading or written objections may be filed to the petition.

(c) The petitioner shall provide notice of the hearing at least ten (10) days in advance of the hearing, to the following:

(1) all signatories to the Contact Agreement, or their counsel if counsel has filed an entry of appearance with the Clerk in respect to this proceeding;

(2) the Adopted Child, if he or she will have attained twelve (12) years of age as of the date of the hearing, or to his or her counsel if counsel has filed an entry of appearance with the Clerk in respect to this proceeding;

(3) any *guardian ad litem* appointed to represent the Adopted Child with respect to this proceeding;

(4) any sibling of the Adopted Child who has continuing contact or communication with the Adopted Child under the terms of the Contact Agreement, or to his or her counsel if counsel has filed an entry of appearance with the Clerk in respect to this proceeding;

(5) any *guardian(s) ad litem* appointed by the Court to represent any sibling(s) with respect to this petition; and

(6) the Agency or Intermediary that previously had legal custody of the Adopted Child or was involved in facilitating the adoption.

(d) *Certificate of Service of Notice Given.* A verified Certificate of Service shall be presented to the Court at the time of the hearing. The Certificate of Service shall indicate the method of notice and shall have attached thereto a copy of the notice, any affidavit by one who made personal service, any receipt cards for service sent

by registered or certified mail, and any electronic receipt confirmation from anyone receiving notice electronically.

Explanatory Comment: The petition to modify, enforce or discontinue the underlying Contact Agreement is being served upon the Agency or Intermediary that previously had custody of the Adopted Child or facilitate the adoption in the hopes that this Agency or Intermediary may assist in mediating a resolution to the dispute prior to the Court hearing the petition and rendering a unilateral decision. See 23 Pa.C.S. § 2740(a)(2).

Rule 15.15. Appointment of guardians ad litem in subsequent proceedings regarding contact agreements.

Upon its own motion or if requested by the petitioner or by any previously appointed *guardian ad litem*, the Court may appoint a new *guardian ad litem* or reappoint any prior *guardian ad litem* to represent the Adopted Child and may appoint new *guardian(s) ad litem* or reappoint any prior *guardian(s) ad litem* to represent any Minor sibling(s) of the Adopted Child who has continuing contact or communication with the Adopted Child under the terms of the Contact Agreement.

Rule 15.16. Petition to modify a contact agreement.

(a) *General rule.* By filing a petition under 23 Pa.C.S. § 2737 with the Court that entered the adoption decree, the adopting parent(s) or the Adopted Child if he or she has attained twelve (12) years of age may seek to modify the Contact Agreement.

(b) *Contents of petition to modify.* The petition to modify the Contact Agreement shall set forth specific averments to establish the following facts:

- (1) the age and birth date of the Adopted Child;
- (2) the date when the Court approved the Contact Agreement and that such date was on or before the date of the adoption decree;
- (3) whether the Adopted Child was then represented by a *guardian ad litem* who participated in the negotiation and development of the Contact Agreement;
- (4) whether there are siblings of the Adopted Child who have continuing contact or communication with the Adopted Child under the terms of the Contact Agreement, and if so, the name(s), age(s), and birth date(s) of such sibling(s), and the name(s) of the *guardian(s) ad litem*, if any, who represented such sibling(s) in the negotiation and development of the Contact Agreement and the name(s) of the sibling(s) whom the *guardian(s) ad litem* then represented;
- (5) whether the Adopted Child either signed a separate written consent agreeing to the Contact Agreement or signed the Contact Agreement as evidence of his or her consent, or that the Adopted Child had not attained twelve (12) years of age at the time of the execution of the Contact Agreement;
- (6) whether petitioner has engaged or is willing to engage in mediation; and
- (7) the reason(s) why the proposed modification will serve the needs, welfare and best interest of the Adopted Child.

(c) *Decree.* After a hearing, if the Court finds by clear and convincing evidence that modification of the Contact Agreement shall serve the needs, welfare and best interest of the Adopted Child, the Court shall enter a decree so modifying the Contact Agreement as necessary to serve the needs, welfare and best interest of the Adopted Child.

Explanatory Comment: Section 2741(b) provides that a *guardian ad litem* may be appointed to represent siblings who have not attained eighteen (18) years of age in a proceeding to enforce or discontinue a Contact Agreement, but does not specifically mention a proceeding to modify a Contact Agreement. 23 Pa.C.S. § 2741(b)(1). However, the Court has inherent powers to appoint a *guardian ad litem* whenever the Court finds that the interest of a Minor are not adequately represented by others who are *sui juris*.

The evidentiary standard of clear and convincing evidence is statutorily mandated. See 23 Pa.C.S. § 2737(b).

Rule 15.17. Petition to enforce a contact agreement.

(a) *General Rule.* By filing a petition under 23 Pa.C.S. § 2738 with the Court that entered the adoption decree, any signatory to the Contact Agreement, the Adopted Child or a sibling of the Adopted Child may seek to enforce the terms of the Contact Agreement.

(b) *Contents of petition to enforce.* The petition to enforce the Contact Agreement shall set forth specific averments to establish the following facts:

- (1) the age and birth date of the Adopted Child;
- (2) the date when the Court approved the Contact Agreement and that such date was on or before the date of the adoption decree;
- (3) whether the Adopted Child was then represented by a *guardian ad litem* who participated in the negotiation and development of the Contact Agreement;
- (4) whether there are siblings of the Adopted Child who have continuing contact or communication with the Adopted Child under the terms of the Contact Agreement, and if so, the name(s), age(s), and birth date(s) of such sibling(s), and the name(s) of the *guardian(s) ad litem*, if any, who represented such sibling(s) in the negotiation and development of the Contact Agreement and the name(s) of such sibling(s) whom the *guardian(s) ad litem* then represented;
- (5) whether the Adopted Child either signed a separate written consent agreeing to the Contact Agreement or signed the Contact Agreement evidencing his or her consent, or that the Adopted Child had not attained twelve (12) years of age at the time of the execution of the Contact Agreement;
- (6) whether the party seeking enforcement is complying with the terms of the Contact Agreement;
- (7) the identity of the party who has materially breached the Contact Agreement and the nature and circumstances of the breach;
- (8) whether petitioner has engaged or is willing to engage in mediation; and
- (9) that enforcement of the Contact Agreement serves the needs, welfare and best interest of the Adopted Child.

(c) *Decree and Remedies.* After a hearing, if the Court finds by clear and convincing evidence that the petitioner is in substantial compliance with the terms of the Contact Agreement and also finds that the Contact Agreement serves the needs, welfare and best interest of the Adopted Child, the Court shall enter a decree directing specific performance of the Contact Agreement.

(1) The Court may also exercise its equitable and contempt powers as appropriate.

(2) The Court may not award monetary damages, but in an appropriate case, may award reasonable attorneys' fees and costs.

Explanatory Comment: Section 2738 is the exclusive remedy for enforcing a Contact Agreement; there is no cause of action under the common law or any other statutory section. 23 Pa.C.S. § 2738(f). A sibling of the Adopted Child may initiate an action to enforce the Contact Agreement even if the sibling is not a signatory to the Agreement. *Compare* 23 Pa.C.S. § 2738 with 23 Pa.C.S. §§ 2737, 2739.

The evidentiary standard of clear and convincing evidence is statutorily mandated. *See* 23 Pa.C.S. § 2738(d)(2). The only remedy is a Court order requiring specific performance; there is no separate remedy for awarding monetary damages. Given that the Contact Agreement may have been presented to and approved by the Court terminating parental rights, the Court having continuing jurisdiction over the Contact Agreement is the Court that finalized the adoption decree and not necessarily the Court that approved the Contact Agreement. Subsection 2738(e)(2) is hereby suspended to the extent that it is inconsistent with subsection 2738(a). *Compare* 23 Pa.C.S. § 2738(a) with 23 Pa.C.S. § 2738(e)(2).

Rule 15.18. Petition to Discontinue a Contact Agreement.

(a) *General rule.* By filing a petition under 23 Pa.C.S. § 2739 with the Court that entered the adoption decree, any signatory to the Contact Agreement or the Adopted Child if he or she has attained twelve (12) years of age may seek to discontinue the Contact Agreement.

(b) *Contents of petition to discontinue.* The petition to discontinue the Contact Agreement shall set forth specific averments to establish the following facts:

- (1) the age and birth date of the Adopted Child;
- (2) the date when the Court approved the Contact Agreement and that such date was on or before the date of the adoption decree;
- (3) whether the Adopted Child was then represented by a *guardian ad litem* who participated in the negotiation and development of the Contact Agreement;
- (4) whether there are siblings of the Adopted Child who have continuing contact or communication with the Adopted Child under the terms of the Contact Agreement, and if so, the name(s), age(s), and birth date(s) of such sibling(s), and the name(s) of the *guardian(s) ad litem*, if any, who represented such sibling(s) in the negotiation and development of the Contact Agreement and the name(s) of such sibling(s) whom the *guardian ad litem* represented;
- (5) whether the Adopted Child either signed a separate written consent agreeing to the Contact Agreement or signed the Contact Agreement evidencing his or her consent, or that the Adopted Child had not attained twelve (12) years of age at the time of the execution of the Contact Agreement;
- (6) whether petitioner has engaged or is willing to engage in mediation; and
- (7) the reasons why discontinuance of the Contact Agreement serves the needs, welfare and best interests of the Adopted Child.

(c) *Decree.* After a hearing, if the Court finds by clear and convincing evidence that discontinuance of the Contact Agreement shall serve the needs, welfare and best interest of the Adopted Child, the Court shall enter a decree discontinuing the Contact Agreement.

Explanatory Comment: The evidentiary standard of clear and convincing evidence is statutorily mandated. *See* 23 Pa.C.S. § 2739(b).

Rule 15.19. Collection of Documents and Maintenance of Court File.

(a) The Clerk where parental rights were terminated and the Clerk where the adoption decree is entered shall maintain as a permanent court file all court records pertaining to the adoption, including the docket, docket entries, all petitions, exhibits, reports, notes of testimony, decrees and other filed legal papers.

(b) The Clerk where parental rights were terminated and the Clerk where the adoption decree is entered shall also accept the following items that shall then become part of the permanent court file:

(1) a Statement of medical, personal and/or social history information filed by a birth parent, the survivor of a deceased birth parent, the Adopted Individual who is *sui juris*, the legal or natural guardian of a non-*sui juris* Adopted Individual, or the descendant of a deceased Adopted Individual;

(2) a form promulgated by the Department containing medical, personal or social history information completed by an individual named in subparagraph (1) above;

(3) an authorization or consent form signed by a birth parent permitting the release of identifying information, including but not limited to, any signed form promulgated by the Department to authorize the release of identifying information or any signed form promulgated by the Department of Health granting the issuance of a summary of the Adopted Individual's original birth record with identifying information about the birth parent;

(4) a form signed by a birth parent withholding the release of identifying information or revoking a prior authorization or consent given, including any such form promulgated by the Department or the Department of Health that is signed by the birth parent; and

(5) a notification from the Department given in accordance with 23 Pa.C.S. § 2915(c)(4) that an Agency has closed and transferred its case records to another Agency.

(c) In addition to the documents listed in paragraphs (a) and (b) above, the Clerk where the adoption decree is entered shall also accept the following items that shall then become part of the permanent court file:

(1) an authorization or consent form signed by an Adopted Individual permitting the release of identifying information, or any form signed by an Adopted Individual withholding the release of identifying information or revoking a prior authorization or consent given, including any such form promulgated by the Department that is signed by the Adopted Individual;

(2) records or documents from an attorney who represented an individual in the adoption proceeding or who acted as counsel or as the *guardian ad litem* for the Adoptee, the minor birth parent, or a minor sibling of the Adoptee, so long as the records and written documents concern the Adopted Individual, the birth family or the adopting family, such records and documents are in the format required by local rule, and the filing fee, if any, is paid; and

(3) requests for non-identifying or identifying information.

(d) The Clerk where parental rights were terminated shall copy and forward any Statement of medical, personal and/or social history information and forms signed

by a birth parent authorizing the release of identifying information, withholding the release of identifying information, or revoking previously given authorizations as follows:

(1) a completed and signed document that is on a form promulgated by the Department shall be forwarded to the Pennsylvania Adoption Information Registry ("PAIR"); and

(2) completed and signed documents in whatever form or format shall be forwarded to the Clerk where the adoption decree has been entered, if the Court entering the adoption decree is known or reasonably ascertainable from information in the court file of the Court that terminated parental rights.

(e) All documents described in subparagraphs (b)(1), (b)(2), (b)(3), (b)(4), (c)(1), and (c)(3) shall be stamped with the date of receipt and an acknowledgement of receipt shall be sent to the individual who filed the document.

Explanatory Comment: In order to avoid confusion, the term "court file", rather than "court records", is being used to describe all documents that can be part of the court's file because "court records" is statutorily defined in 23 Pa.C.S. § 2911 to include only the petition, exhibits, reports, notes of testimony, decrees and other papers pertaining to the judicial proceeding.

The statute directs that notice of the filing of a Statement of medical, personal and/or social history information shall be given to "the individual who is at least 21 years of age and whom the information is intended to benefit, if known or identified in its records." 23 Pa.C.S. § 2934(e)(2). Rule 15.21(c) provides the procedure for determining who is the person intended to be benefitted and how notice of the filing of this Statement shall be provided to that intended beneficiary. Because the procedure in Rule 15.21(c) requires the filing of an initial request for information and because all requests for information are filed through the Clerk where the adoption decree is entered, it is that Court, and not the Court that terminated parental rights, that shall review the Statement of medical, personal and/or social history information, determining who is the individual intended to be benefitted and whether and how information is to be provided to that individual. The Clerk where parental rights were terminated need only forward the Statement of medical, personal and/or social history information to the Clerk where the adoption decree is entered, if such Court is known or can be readily identified from the items in the court file, and to the Pennsylvania Adoption Information Registry ("PAIR") if the completed Statement is on the form promulgated by the Department.

PAIR has a website (www.pagov-pair.org) and is requesting that any Statement of medical, personal and/or social history information be forwarded electronically in a .pdf format. The Clerk shall forward the Statement to PAIR in a .pdf format as filed; it is not the responsibility of the Clerk to re-key information into the electronic system of PAIR.

Notwithstanding the development of forms by the Department, the statute does not limit or restrict what statements and forms the Clerk can accept from birth parents, Adopted Individuals or their statutorily permissible representatives. Thus, in keeping with the spirit of the statute, Clerks are encouraged to accept any document that reveals medical, personal and/or social history information from a birth parent, Adopted Individual, his or her statutorily permissible representative, descendant(s) of a deceased Adopted Individual, or survivor(s) of

a deceased birth parent. Likewise, Clerks are encouraged to accept and maintain any form or statement that reasonably can be construed as providing authorization or consent to release identifying information, withholding such authorization or consent, or revoking a prior authorization or consent given. The local Courts are also free to adopt, through the promulgation of local rules, their own forms for such uses. The Department has designed sample forms for the local Courts to use or to modify for use.

Because requests for identifying information are permitted to be filed only with the Clerk where the adoption decree is entered, only the Clerk where the adoption decree is entered shall accept requests for non-identifying or identifying information and forms from the Adopted Individual authorizing the release of identifying information or withholding or revoking such authorization. See 23 Pa.C.S. § 2931(A). Despite the above sentence, the statute implies that the Clerk where parental rights were terminated must accept and maintain as part of its court file an authorization or consent to release identifying information or any document withholding or revoking such authorization signed by a birth parent. See 23 Pa.C.S. §§ 2933(A)(2)–(4). For this reason, Rule 15.19(d)(2) requires the Clerk where parental rights were terminated to forward any such signed authorization or consent form or any document withholding or revoking authorization or consent to the Clerk where the adoption decree is entered, if known, thereby streamlining the efforts required by the Court that entered the adoption decree if a request for non-identifying or identifying information is later filed.

Finally, attorneys representing a party to an adoption proceeding or representing a child thereto either as counsel or as a guardian ad litem are permitted to forward their records and information only to the Clerk where the adoption decree is entered. 23 Pa.C.S. § 2916. In this age of document management and given the judiciary's limited financial and physical resources, the attorney representing an Agency may not deposit his or her records with the Court as the Agency already has record-keeping requirements imposed by the Department. See 23 Pa.C.S. § 2915. Moreover, the Court, by local rule, may adopt procedures for attorneys forwarding documents to be retained in the court file, e.g., on a disc, CD-ROM, or other electronic format. The Court may charge reasonable fees for the acceptance and retention of an attorney's records. See 23 Pa.C.S. § 2913 ("Any court . . . may charge reasonable fees for services provided under this chapter.")

Rule [15.7] 15.20. Impounding[; docket entries; reports] the Court file; privacy.

(a) [All proceedings shall be impounded, docket entries made, reports made to the Department of Public Welfare, and certificates of adoption issued as provided in Sections 505, 506, 507 and 508, respectively, of the Adoption Act, 23 Pa.C.S. § 2101, et seq.] All court records and all other documents in the court file, including but not limited to, completed Statement of medical, personal and/or social history information, signed authorization or consent forms, signed forms withholding or revoking authorization, requests for identifying or non-identifying information, and attorney records shall be impounded and withheld from inspection except as provided by 23 Pa.C.S. § 2931 et seq. and Rule 15.21.

(b) [The name of names of the natural parents and the name or names of the child before adoption shall not be entered on any docket which is subject to public inspection.] The docket shall not contain the name(s) of the birth parent(s), any information identifying the birth parent(s) or the name of the Adopted Individual before adoption if the docket is subject to public inspection.

(c) Certificates of adoption shall be issued as provided in 23 Pa.C.S. § 2907, reciting that the Court has granted the adoption, but not disclosing the name(s) of the birth parent(s) or the name of the Adopted Individual before adoption.

(d) No decision under the Adoption Act of any hearing judge or an appellate [court] decision publicly reported or in any other way made available to the public by the [court] Court shall disclose the identity of the individual parties.

(Editor's Note: The following rule is new and printed in regular type to enhance readability.)

Rule 15.21. Dissemination and release of information in the court file.

(a) One seeking non-identifying or identifying information or contact shall file a written request with the Clerk where the adoption decree was entered and the written request shall contain the following information to the extent known:

(1) the name of the Court that entered the adoption decree and the date of the adoption decree;

(2) the requester's relationship to the adoption proceeding as the Adopted Individual, the adopting parents, the Adopted Individual's legal guardian, a descendant of the Adopted Individual, a birth parent, a parent of a birth parent, or a birth sibling of the Adopted Individual; and

(A) If the requester is the Adopted Individual, the Adopted Individual's birth date and that he or she has attained eighteen (18) years of age.

(B) If the requester is an adopting parent, the Adopted Individual's birth date and that the Adopted Individual has not attained eighteen (18) years of age or has attained eighteen (18) years of age and been adjudicated incapacitated, including attaching a certified copy of the court decree of incapacity, or that the Adopted Individual is deceased, including attaching a copy of the death certificate.

(C) If the requester is a legal guardian of the Adopted Individual, the Adopted Individual's birth date and that the Adopted Individual has not attained eighteen (18) years of age or has attained eighteen (18) years of age and been adjudicated incapacitated, including attaching a certified copy of the court decree of incapacity.

(D) If the requester is a descendant of the Adopted Individual, a statement that the Adopted Individual is deceased, including attaching a copy of the death certificate.

(E) If the requester is a birth parent, the Adopted Individual's birth date and that the Adopted Individual has attained twenty-one (21) years of age.

(F) If the requester is a parent of a birth parent, the Adopted Individual's birth date, that the Adopted Individual has attained twenty-one (21) years of age, and that the birth parent either consents to the request for information or contact, has been adjudicated incapacitated, or is deceased, including attaching a signed copy of

the birth parent's consent, a certified copy of the court decree of incapacity, or a copy of the death certificate, as applicable.

(G) If the requester is related to the Adopted Individual as a sibling through either one or both of the birth parents, the birth dates of both the Adopted Individual and the requester, that both the Adopted Individual and the requester have attained twenty-one (21) years of age, and that either the requester remained in the custody of his or her parent and that this birth parent consents to the request for information or contact, has been adjudicated incapacitated, or is deceased, including attaching a signed copy of the birth parent's consent, a certified copy of the court decree of incapacity, or a copy of the death certificate, as applicable, or that the requester was adopted out of the birth family or did not remain in the custody of the birth parent, including a certified copy of the requester's adoption decree or the court order adjudicating the requester dependent or granting legal or physical custody of the requester to another.

(3) a general description of the individual who is the subject of the request explaining the subject's relationship to the adoption proceeding as the Adopted Individual, a birth parent, a parent of a birth parent, or a birth sibling of the Adopted Individual.

(A) If the subject of the request is the Adopted Individual, the Adopted Individual's birth date and that he or she has attained twenty-one (21) years of age.

(B) If the subject of the request is a parent of a birth parent, the Adopted Individual's birth date, that the Adopted Individual has attained twenty-one (21) years of age, and that the birth parent either consents to the request for information or contact, has been adjudicated incapacitated, or is deceased, including attaching a signed copy of the birth parent's consent, a certified copy of the court decree of incapacity, or a copy of the death certificate, as applicable.

(C) If the subject of the request is related to the Adopted Individual as a sibling through either one or both of the birth parents, the birth dates of both the Adopted Individual and his or her birth sibling, that both the Adopted Individual and the birth sibling have attained twenty-one (21) years of age, and that either the birth sibling remained in the custody of his or her parent and that this birth parent consents to the request for information or contact, has been adjudicated incapacitated, or is deceased, including attaching a signed copy of the birth parent's consent, a certified copy of the court decree of incapacity, or a copy of the death certificate, as applicable, or that the birth sibling was adopted out of the birth family or did not remain in the custody of the birth parent, including a certified copy of the birth sibling's adoption decree or the court order adjudicating the birth sibling dependent or granting legal or physical custody of the birth sibling to another.

(b) Upon a review of the request for non-identifying or identifying information or contact, the Court shall determine if it is the proper court to handle the request, if the requester is permitted to seek the requested information or contact by 23 Pa.C.S. § 2931(a), and if the request inquires about an individual who can be the subject of the request per 23 Pa.C.S. § 2931(b).

(1) If the Court cannot affirmatively answer all three of the above questions, the Court shall notify the requester that his or her request for information is denied and the reasons for its denial.

(2) If the Court affirmatively answers all three of the above questions, the Court shall proceed under paragraphs (c) and (d) below, as applicable.

(c) If the request is for only non-identifying information, the Court shall ensure the records and documents from the court file that are to be made available to the requester are sufficiently redacted so as to not reveal the identity of the subject of the request or compromise the confidentiality of the relationship between the Adopted Individual and his or her birth parent(s), and once such information is redacted, the requested records and documents shall be made available to the requester as provided by local rule or practice;

(d) If the request is for identifying information or contact, the Court shall determine if the court file includes an unrevoked authorization or consent from the individual who is the subject of the request.

(1) if, so the Court shall grant the request and the requested records and documents shall be made available to the requester as provided by local rule or practice, except as provided in subparagraph (3) below;

(2) if not, the Court shall appoint an Authorized Representative and the Authorized Representative shall handle the request and shall either respond to the requester or report to the Court if the Authorized Representative believes one of the circumstances described in subparagraph (3) below exists.

(3) The Court shall not grant a request and shall not provide identifying information under either of the following circumstances:

(A) dissemination of the requested identifying information will compromise the identify or confidentiality of an individual who has not authorized release of the identifying information, and after appointing an Authorized Representative, the Authorized Representative reports to the Court that such individual either cannot be located, or after being located, refuses to consent to the release of such identifying information; or

(B) dissemination of the requested identifying information could cause physical or emotional harm to the requestor, as determined by the Court either with or without the assistance of a report from the Authorized Representative, and in such cases, the Court shall issue an Order to this effect setting forth the basis of its findings.

(e) Anyone requesting an original birth record or a summary of the original birth record shall be directed to contact the Department of Health.

(f) Upon the filing of a Statement of medical, personal and/or social history information, or a statement updating such information, or if either is received from the Clerk where parental rights were terminated, the Clerk where the adoption decree is entered shall send notice as follows:

(1) if the Statement contains information about a birth parent, notice of its filing shall be sent to the Adopted Individual, the adopting parents, the legal guardian of an incapacitated Adopted Individual, or the adopting parents and descendant(s) of a deceased Adopted Individual, only if such person, at any time prior, had filed a request for non-identifying or identifying information that was approved by the Court or was then denied by the Court due only to the age of the requester or the age of the subject of the request; or

(2) if the Statement contains information about the Adopted Individual, notice of its filing shall be sent to the

birth parent(s), any legal guardian of a birth parent, the parent(s) of a deceased birth parent, and in limited circumstances to a birth sibling, but only if such person, at any time prior, had filed a request for non-identifying or identifying information that was approved by the Court or was then denied by the Court due only to the age of the requester or the age of the subject of the request.

(3) Notice under this subparagraph (f) shall be provided to the individual at the address listed on the request for non-identifying or identifying information or at the last updated address in the court file.

(4) Notice shall inform the individual(s) that a Statement of medical, personal and/or social history information or a statement updating such information has been received, the date of its filing, and that the information contained in the Statement may be provided either in redacted form or with identifying information upon the filing of new request for non-identifying or identifying information.

(5) If a new request for non-identifying or identifying information is thereafter filed, the request shall contain the information required in paragraph (a) and shall be processed as provided in paragraphs (b), (c), and (d), as applicable.

(g) The Court may permit reasonable fees to be charged for the filing, handling, and processing of any request for non-identifying or identifying information, and the fees may vary depending upon the time and efforts involved, the extent of information made available to the requester, whether an Authorized Representative is appointed by the Court, and the extent of any search required,

Explanatory Comment: The handling of requests for non-identifying information, identifying information and/or contact will largely be dictated by local rule, custom and practice. At present, the Committee does not believe that it is in a position to mandate uniform statewide procedures because the number of requests, each Court's resources and personnel, and the nature of the relationship of the local Court with County and private adoption Agencies varies widely from county to county. Rule 15.21 thus has been drafted so as to leave much to the discretion, practice and custom of the local Courts. The local Courts can determine if such requests are filed as a petition or on a standardized form; the local Courts can permit reasonable fees to be charged for these requests and determine when such fees are due, and the local Court can determine how to appoint Authorized Representatives and undertake searches for individuals who are the subject of a request and do not have a signed authorization or consent form in the court file or with the Agency or the Pennsylvania Adoption Information Registry ("PAIR"). Moreover, the Committee is recommending to the Supreme Court suspension of the time limits being imposed upon the Courts under sections 2932 and 2933 (23 Pa.C.S. §§ 2932, 2933). In addition to the Legislature violating the exclusive province of the Court to set its own deadlines, the time limits fail to account for the resources available or not available to the Court in each county and fail to take into consideration other important judicial responsibilities concerning terminations of parental rights, adoptions hearings, fast track appeals, and other priorities related to children and youth, which are also highly time sensitive.

Notwithstanding the Committee's deference to local rule, practice and custom, the Committee intends that the

judge, law clerk, or court personnel experienced in adoptions handle and address requests for non-identifying information and that only an appointed Authorized Representative duly trained by the Department handle and address all requests for identifying information. The statute has very specific rules as to who may request non-identifying and identifying information and the age or existence of one individual may change the requester's right to have the request answered. See 23 Pa.C.S. § 2931(a). Further, the statute is specific about who can be the subject of a request. See 23 Pa.C.S. § 2931(b). Consequently, requests for non-identifying and identifying information or contact should be reviewed by those trained in the law or otherwise well versed in this statute.

If the Court believes that a request for identifying information or contact could cause physical or emotional harm to the requestor, the Court shall issue an Order to this effect that can be appealed by the requestor in accordance with 23 Pa.C.S. § 2936(b) and R.A.P. 341 *et seq.*

Section 2934, 23 Pa.C.S. § 2934, requires the Court, Agency, or Pennsylvania Adoption Information Registry ("PAIR") to provide notice of the filing of a Statement of medical, personal and/or social history information "to the individual who is at least 21 years of age and whom the information is intended to benefit." The statutory section fails to further define who is the person intended to be benefitted or how such person is to be determined. Moreover, once filed, the Statement of medical, personal and/or social history information becomes part of the court file subject to impounding and confidentiality as provided in Rule 15.20 and 23 Pa.C.S. § 2931 *et seq.* For this reason, the Statement of medical, personal and/or social history information or a statement updating this information should not be shared or disseminated by the Clerk absent a later filed request for such information approved by the Court, or upon other order of Court. The notification procedure in Rule 15.21(f) is an attempt to comply with 23 Pa.C.S. § 2934(e)(2) while, at the same time, complying with other statutory provisions, such as section 2931(a) which narrowly defines the individuals who may request non-identifying and identifying information, sections 2925(c) and 2935 which require the Court to maintain confidentiality in conducting a search, and section 2933 which requires any court-appointed Authorized Representative to be specially trained by the Department before conducting searches. Compare 23 Pa.C.S. § 2934 with 23 Pa.C.S. §§ 2925(c), 2931(a), 2933, 2935. The Clerk and its deputy personnel have no legal training in determining who may request non-identifying and identifying information and no specialized training from the Department in conducting searches while maintaining confidentiality. For these reasons, while the Agency and PAIR may proceed differently in determining who is intended to be benefitted from the filing of a Statement of medical, personal and/or social history information or a statement updating such information, the Clerk, the Court, and its personnel shall proceed in a more cautious fashion, providing only notice of the filing of any such Statement to an individual who previously has requested and been given information from the court file or whose request was denied only because of the age of the requestor or the age of the individual who was the subject of the request. Even then, information from the most recently filed Statement will not be released or disseminated, but will only be provided if a new request for non-identifying or identify information is filed by the requestor in accordance with Rule 15.21(a).

EXPLANATORY REPORT

Background

These proposed rules seek to implement amendments to the Adoption Act (23 Pa.C.S. Domestic Relations Chapters 21—29) enacted since the last revision of these Chapter 15 rules. Additionally, the proposed rules amend the averments to be included in an adoption petition in order to implement and facilitate the Supreme Court's decision in *In re Adoption of R.B.F. and R.C.F.*, 803 A.2d 1195 (Pa. 2002).

In that decision, the Supreme Court held that section 2901 of the Adoption Act (23 Pa.C.S. § 2901) permits the prospective adoptive parent to demonstrate why in a particular case he or she cannot meet the statutory requirements of the Adoption Act. Specifically, in *In re Adoption of R.B.F. and R.C.F.*, the Supreme Court concluded that upon cause shown the lower court has discretion to determine whether an adoption petition should be granted even though the biological parent, in consenting to his or her child's adoption by his or her partner, was not relinquishing parental rights as required under section 2711(d). The Court instructed that under these circumstances, the petition for adoption should not be summarily dismissed; rather, the petitioner(s) should be afforded an opportunity to demonstrate why the statutory requirements have not been met and why the proposed adoptee's best interest is nevertheless served by granting the adoption. In order to implement this decision, the Committee proposes amending current Rule 15.5 (proposed new Rule 15.11) to expand upon the averments that can be contained in an adoption petition. Under the proposed amendment to current Rule 15.5 (proposed new Rule 15.11), if a statutory requirement under the Adoption Act cannot be met, the petitioner shall include in the adoption petition averments explaining why the statutory requirements have not been met and why it is nonetheless in the child's best interest for the judge to grant the adoption petition. The proposed amendment to this Rule also provides for a hearing at which the court will consider whether cause has been shown to dispense with a statutory requirement and whether to grant the adoption petition notwithstanding.

As for the other additions and amendments to the current Chapter 15 rules, the proposed changes are intended to reflect recent statutory amendments to the Adoption Act. The most recent and extensive of these amendments occurred when then Pennsylvania Governor Edward G. Rendell signed Senate Bill 1360, Printer's Number 2188, into law with an effective date that occurred on April 25, 2011. This set of amendments is colloquially referred to as "Act 101," a reference to the law's enactment number.

In part, Act 101 amended the Adoption Act to provide an option for prospective adoptive parents and birth relatives to enter into voluntary, but legally enforceable, agreements so that adopted children can have ongoing communication or contact with their birth family, if desirable and if desired by all the involved parties. Enforcing voluntary post-adoption contact agreements through the courts is new; but, the concept of these agreements is not. For years adopting and biological parents have recognized the benefits of post-adoption contact, and they have made such agreements among themselves informally and adhered to the arrangements in good faith. Nothing in Act 101 or these proposed rules precludes or discourages the use of such informal arrangements. However, by complying with the statute and these proposed rules, as ultimately adopted, the parties

will have a judicially approved agreement for post-adoption communication or contact that can be enforced in the court that finalized the adoption, upon proper petition.

Act 101 also amended the Adoption Act to allow for the collection of a birth parent's social history in addition to personal and medical history and to permit attorneys to forward their records and information to the court for maintenance as part of the court record.

Lastly, Act 101 expanded both the class of individuals who can request information about others related to the adoption and expanded the class of individuals who can be the subject of an informational request. While the adopted individual upon attaining majority (or the adopted individual's parent or legal guardian during minority) has long been able to request from the court maintaining the adoption file information about the adoptee's biological parents, permissible requestors now also include the following:

- an adopting parent if the adoptee has been adjudicated incapacitated or is deceased;
- the legal guardian of an adoptee who has been adjudicated incapacitated;
- the issue of a deceased adoptee;
- a birth parent if the adoptee has attained age 21;
- a parent of a birth parent if the adoptee has attained age 21 and the birth parent consents, is incapacitated, or deceased; and
- a birth sibling of an adoptee if both individuals have attained age 21 and the birth sibling meets one of the following criteria:

1. The birth sibling remained in the custody of a birth parent, and that birth parent consents, is deceased, or is incapacitated;

2. The birth sibling and the adoptee were both adopted out of the same birth family; or

3. The birth sibling was not adopted out of the birth family, but did not remain in the custody of the birth parent.

Act 101 then provides extensive procedures for the handling of such informational requests by the court that finalized the adoption, the agency that coordinated the adoption, or its successor. For example, Act 101 now mandates that when a proper request for identifying information or contact is received and no authorization to release such information is on file, the entity receiving the request must search for the person from whom information or contact is sought, advise that person of the request, and ask that person to consent to the release of identifying information or permit contact. Under prior law, these searches were permissible. Searches and contacts are to be provided by an authorized representative trained by the Department of Public Welfare. Act 101 sets forth numerous deadlines for processing informational requests, but for the reasons explained below and in the Explanatory Comment to Rule 15.21, the Committee is recommending that these time deadlines not be incorporated into the rules.

Recommendation

The proposed amendments and new rules fall into the following general categories:

- (1) Amendments to existing rules so that the court can ensure birth parents, prospective adoptive parents, and proposed adoptees (in certain instances) received notice of

the opportunity of birth relatives to enter into agreements for post-adoption contact or communication which become legally enforceable, upon court approval, and amendments to existing rules to accurately reference statements of medical and personal and/or social history information, their maintenance in the court record, and their accessibility. (See Proposed Rule 15.5(a)(10), (a)(12), (b)(5), Proposed Rule 15.6(a)(11), (a)(13), (b)(4), Proposed Rule 15.8(a)(10), (b)(3), Proposed Rule 15.7(a)(11), (a)(13), (b)(4), Proposed Rule 15.9, Proposed Rule 15.11(a)(11), (b)(4), and Proposed Rule 15.13(b)(3), (b)(11)).

- (2) A proposed new Rule 15.7 to address the statutory alternative procedure for confirmed consent created in Section 2504 of the Adoption Code, 23 Pa.C.S. § 2504. (See Proposed Rule 15.7).

- (3) New rules implementing Act 101's provisions regarding the court's approval of voluntary post-adoption contact agreements and the procedure by which the court may modify, enforce, or discontinue such court-approved voluntary post-adoption contact agreements. (See Proposed Rules 15.10, 15.14, 15.15, 15.16, 15.17 and 15.18).

- (4) Amendments to the existing rule concerning an adoption petition to provide that the petitioner should inform the court if all statutory requirements are not met or exhibits attached and should also include averments specifying the reasons for noncompliance and why the court nonetheless should grant the adoption petition, along with a procedure for the court to schedule and conduct a hearing in order for the petitioner to present evidence establishing cause. (See Proposed Rule 15.11(a)(10), (e)(1)).

- (5) New rules and amendments to the existing confidentiality rule to implement Act 101's provisions for releasing information in the court file, including requests for non-identifying information, identifying information and/or for contact. (See Proposed Rules 15.19, 15.20, and 15.21).

The search and contact provisions of Act 101 pose special problems for the court system. The proposed rules are predicated upon an understanding that the county Orphans' Courts (and Family Court in Philadelphia) can delegate the responsibility for search and contact to private adoption agencies, individuals, or the county Children and Youth Service Agencies so long as the delegate has successfully completed a standardized Department of Public Welfare training program. Act 101 allows a reasonable fee for services permitted by the Act, including a fee for responses to requests for information or contact.

Finally, Act 101 imposes certain time deadlines for responding to requests for information and contact. The Committee has declined to incorporate such deadlines in these proposed rules. The Committee assumes the handling of requests for information will be completed expeditiously and consistent with other important judicial responsibilities concerning terminations of parental rights, adoptions hearings, fast track appeals, and other priorities related to children and youth. If that proves not to be the case, the Committee proposes to revisit the issue.

[Pa.B. Doc. No. 13-1980. Filed for public inspection October 25, 2013, 9:00 a.m.]

Title 255—LOCAL COURT RULES

CARBON COUNTY

Amendment of Local Rules of Civil Procedure 1028(c) Preliminary Objections, 1034(a) Motion for Judgment on the Pleadings and 1035.2(a) Motion for Summary Judgment; No. 13-0523

Administrative Order No. 16-2013

And Now, this 1st day of October, 2013, it is hereby

Ordered and Decreed that, effective November 1, 2013, Carbon County Rules of Civil Procedure CARB.R.C.P. 1028(c) governing Preliminary Objections, CARB.R.C.P. 1034(a) governing Motion for Judgment on the Pleadings, and CARB.R.C.P. 1035.2(a) governing a Motion for Summary Judgment be and are hereby *Amended* as follows.

1. The Carbon County District Court Administrator is *Ordered and Directed* to File one (1) certified copy of this Administrative Order and Local Rules with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and one (1) CD with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish the Rules on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. File one (1) certified copy with the Civil Procedural Rules Committee.

5. Forward one (1) copy for publication in the *Carbon County Law Journal*.

6. Forward one (1) copy to the Carbon County Law Library.

7. Keep continuously available for public inspection copies of the Administrative Order and Local Rules in the Prothonotary's Office.

By the Court

ROGER N. NANOVIĆ,
President Judge

Rule 1028(c). Preliminary Objections.

1 A proposed order shall be attached to all preliminary objections.

2 The moving party shall simultaneously file a brief in support of the preliminary objections. See CARB.R.C.P. 210 for form, content of brief, service and filing requirements.

3 The adverse party shall file an answer when endorsed with a Notice to Plead.

4 If an amended pleading is not filed within twenty (20) days of service of the preliminary objections, the matter shall be decided on briefs unless the assigned Judge requests that argument be scheduled. If a party desires argument, a Praeceptum for Argument shall accompany the motion or be filed by the respondent within twenty (20) days of service of the preliminary objections. A respondent briefing schedule will be issued by the Court contemporaneous with the scheduling of argument, if so ordered by the Judge or requested by the filing of the

Praeceptum for Argument. If the matter is to be decided on briefs, a respondent briefing schedule will be issued.

5 If the Preliminary Objections raise issues of fact not of record, evidence by way of depositions or otherwise shall be filed of record to enable the objections to be properly decided.

Rule 1034(a). Motion for Judgment on the Pleadings.

1 A party moving for judgment on the pleadings shall simultaneously file with the motion a proposed order and supporting brief. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P. 208.2(a)(5) shall be attached to the motion. Pa.R.C.P. 440 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P. 210.

2 A response shall be filed within twenty (20) days after service of the motion.

3 If a party desires argument, a Praeceptum for Argument shall accompany the motion or response.

4 A respondent briefing schedule will be issued by the Court contemporaneous with the scheduling of any argument ordered by the Judge or requested by the filing of the Praeceptum for Argument. If the matter is to be decided on briefs, a respondent briefing schedule will be issued.

5 A party who fails to respond to the motion may be deemed to have no opposition to its grant.

6 A party who fails to file a brief shall not be permitted to argue.

Rule 1035.2(a). Motion for Summary Judgment.

1 A party moving for summary judgment shall simultaneously file with the motion a proposed order and supporting brief. If a brief is not filed with the motion, the motion shall be deemed withdrawn, without prejudice, upon motion of the opposing party. A certificate of service in conformance with Pa.R.C.P. 208.2(a)(5) shall be attached to the motion. Pa.R.C.P. 440 governs service. Service shall be required on the District Court Administrator. For form of briefs, see CARB.R.C.P. 210.

2 Any party opposing the motion shall file a response within thirty (30) days of service of the motion, together with a certificate of service evidencing service in accordance with number one above. Service shall be required on the District Court Administrator. A party who fails to respond to the motion shall be deemed to have consented to the granting of the motion without contest.

3 Upon service of the motion and response on the District Court Administrator, the matter shall be decided on briefs unless the assigned Judge requests that argument be scheduled. If a party desires argument, a Praeceptum for Argument shall accompany the motion or response.

4 A respondent briefing schedule will be issued by the Court contemporaneous with the scheduling of any argument ordered by the Judge or requested by the filing of the Praeceptum for Argument. If the matter is to be decided on briefs, a respondent briefing schedule will be issued.

5 A party who fails to file a brief shall not be permitted to argue.

[Pa.B. Doc. No. 13-1981. Filed for public inspection October 25, 2013, 9:00 a.m.]

RULES AND REGULATIONS

Title 31—INSURANCE

INSURANCE DEPARTMENT

[31 PA. CODE CH. 124]

Surplus Insurance Lines

The Insurance Department (Department) amends Chapter 124 (relating to surplus lines insurance) under the authority of sections 206, 506, 1501 and 1502 of The Administrative Code of 1929 (71 P. S. §§ 66, 186, 411 and 412), regarding the general rulemaking authority of the Department, and Article XVI of The Insurance Company Law of 1921 (act) (40 P. S. §§ 991.1601—991.1626), regarding surplus lines.

Purpose

The purpose of this final-form rulemaking is to update Chapter 124 in accordance with amendments made to the act in 2002, 2010 and 2011. See the act of July 10, 2002 (P. L. 749, No. 110); the act of March 22, 2010 (P. L. 147, No. 14); and the act of June 30, 2011 (P. L. 194, No. 28) (Act 28). Chapter 124 sets forth duties and requirements regarding surplus lines agents, writing producers and surplus lines insurers transacting business in this Commonwealth.

Comments and Responses

Notice of proposed rulemaking was published at 43 Pa.B. 1269 (March 9, 2013) with a 30-day comment period. Comments were received from the Independent Agent and Brokers of Pennsylvania (IA&B) and the Insurance Federation of Pennsylvania (IFP).

The IA&B noted that most changes were editorial in nature and necessary to update the regulations in accordance with Act 28 and the Nonadmitted and Reinsurance Reform Act of 2010 (Pub. L. No. 111-203). The IA&B also noted the positive changes simplifying the diligent search process and recognized that further simplification may require legislative action.

The IFP questioned the reference to repealed section 1605(3) of the act (40 P. S. § 991.1605(3)) in § 124.10 (relating to eligible surplus lines insurer filing requirements) as inconsistent with Act 28 and recommended that § 124.10 be revised to recognize that the Department may rely upon the National Association of Insurance Commissioners ISITE database for immediate access to documents filed by foreign insurers. The IFP also objected to the “additional information” clause in subsections (a) and (b). Otherwise, the IFP expressed general support for the rulemaking.

On May 8, 2013 the Independent Regulatory Review Commission (IRRC) submitted a comment with regard to the proposed rulemaking noting that language in proposed § 124.10(a)(4) and (b)(3) was nonbinding and unclear.

In response to IRRC’s comment and the comment from the IFP, the Department revised § 124.10 to delete proposed subsections (a)(4) and (b)(3). In recognition of the availability of certain information in the ISITE database as noted by the IFP, the Department revised subsection (a) to permit a foreign insurer requesting placement on the eligible surplus lines list to submit only the jurat page instead of the entire financial statement. However, the Department retained the authority to re-

quest this information in situations when the Department cannot determine from the jurat page whether the requirements of section 1605(a) of the act are met. Additionally, the Department revised subsection (b) to note that submission of the jurat page will also be sufficient for foreign insurers on the Department’s list unless the Department requires further information to determine whether the requirements of section 1605(a) of the act continue to be met.

Affected Parties

The final-form rulemaking applies to surplus lines agents, writing producers and surplus lines insurers transacting business in this Commonwealth.

Fiscal Impact

State government

The final-form rulemaking will strengthen and clarify existing regulatory requirements. There will not be material increase in cost to the Department as a result of this final-form rulemaking.

General public

While the final-form rulemaking will not have immediate fiscal impact on the general public, the general public will benefit to the extent that the proposed rulemaking enhances the efficiency and effectiveness of the Commonwealth’s regulation of surplus lines insurance under Article XVI of the act.

Political subdivisions

The final-form rulemaking will not impose additional costs on political subdivisions.

Private sector

The final-form rulemaking will not impose significant costs on surplus lines licensees, writing producers or surplus lines insurers transacting business in this Commonwealth.

Paperwork

The final-form rulemaking will not impose additional paperwork on the Department.

Effectiveness/Sunset Date

The final-form rulemaking will become effective 30 days after publication in the *Pennsylvania Bulletin*. The Department continues to monitor the effectiveness of regulations on a triennial basis. Therefore, a sunset date has not been assigned.

Contact Person

Questions or comments regarding the final-form rulemaking may be addressed in writing to Peter J. Salvatore, Regulatory Coordinator, Insurance Department, 1326 Strawberry Square, Harrisburg, PA 17120, fax (717) 705-3873, psalvatore@pa.gov within 30 days after the publication in the *Pennsylvania Bulletin*.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 22, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 1269, to IRRC and the Chairpersons of the Senate Banking and Insurance Committee and the House Insurance Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided

with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on September 18, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 19, 2013, and approved the final-form rulemaking.

Findings

The Commissioner finds that:

(1) Public notice of intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The adoption of this final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

Order

The Commissioner, acting under the authorizing statutes, orders that:

(a) The regulations of the Department, 31 Pa. Code Chapter 124, are amended by adding § 124.11, deleting §§ 124.8 and 124.9 and amending §§ 124.3—124.7 and 124.10 to read as set forth in Annex A.

(b) The Department shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The final-form rulemaking takes effect 30 days following publication in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 5903 (October 5, 2013).)

Fiscal Note: Fiscal Note 11-251 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 31. INSURANCE

PART VIII. MISCELLANEOUS PROVISIONS

CHAPTER 124. SURPLUS LINES INSURANCE

§ 124.3. Conditions of binding authority.

(a) A surplus lines licensee may not exercise binding authority in this Commonwealth on behalf of an eligible surplus lines insurer unless there is in force a written contract executed by all parties to the contract setting forth the terms, conditions and limitations governing the exercise of binding authority by the surplus lines licensee. The written contract must, at a minimum, contain the following:

(1) A description of the classes of insurance for which the surplus lines licensee holds binding authority.

(2) The geographical limits of the binding authority.

(3) The maximum dollar limitations on the binding authority for any one risk for each class of insurance.

(4) The maximum policy period for which the surplus lines licensee may bind a risk.

(5) A prohibition against delegation of binding authority by the surplus lines licensee or, if the binding authority is delegable by the surplus lines licensee, a prohibition against delegation of binding authority by the surplus lines licensee without the prior written approval of the eligible surplus lines insurer.

(6) A provision in the following or substantially similar language:

It is understood and agreed that all insurance placed pursuant to this agreement on risks resident, located, or to be performed in this Commonwealth, shall be effected and written in accordance with Article XVI of the act of May 17, 1921 (P. L. 682, No. 284) (40 P. S. §§ 991.1601—991.1625).

(b) An executed copy of the written contract shall be maintained by the surplus lines licensee in its office. The copy shall be available at all reasonable times for examination by the Department without notice for at least 5 years following termination of the contract.

(c) If a surplus lines licensee, who is qualified under this chapter to exercise binding authority on behalf of the eligible surplus lines insurer, delegates binding authority to any other surplus lines licensee, the instrument delegating binding authority shall specifically identify the binding authority agreement between the delegating surplus lines licensee and the eligible surplus lines insurer. An executed copy of the instrument delegating binding authority shall be maintained by both the surplus lines licensee delegating binding authority and the surplus lines licensee to whom the authority is delegated in their offices. The copy shall be available at all reasonable times for examination by the Department without notice for at least 5 years following termination of the contract.

§ 124.4. Evidence of insurance.

(a) Section 1612 of the act (40 P. S. § 991.1612) requires the surplus lines licensee, upon placing surplus lines insurance, to deliver the contract of insurance to the insured or to the writing producer. A cover note, binder or other evidence of insurance shall be delivered by the surplus lines licensee if the contract of insurance is not immediately available.

(b) Delivery of the contract or other evidence of insurance by the surplus lines licensee shall occur within 15 calendar days after:

(1) Coverage has been bound by the surplus lines licensee, if the surplus lines licensee holds binding authority on behalf of the eligible surplus lines insurer.

(2) The surplus lines licensee has received written notification from the eligible surplus lines insurer or other nonadmitted insurer that it has assumed the risk, if the surplus lines licensee does not hold binding authority on behalf of the eligible surplus lines insurer.

(c) Under section 1624 of the act (40 P. S. § 991.1624), a contract or other evidence of insurance delivered by the surplus lines licensee shall contain a service of process clause substantially similar to the following:

SERVICE OF PROCESS CLAUSE

It is agreed that in the event of the failure of the Insurer(s) or Underwriter(s) herein to pay any amount claimed to be due hereunder, the Insurer(s)

or Underwriter(s) herein, at the request of the Insured (or reinsured), will submit to the jurisdiction of any court of competent jurisdiction within the United States of America and will comply with all requirements necessary to give such court jurisdiction, and all matters arising hereunder shall be determined in accordance with the law and practice of such court. It is further agreed that in any such action instituted against any one of them upon this contract, Insurer(s) or Underwriter(s) will abide by the final decision of such court or of any appellate court in the event of an appeal.

Service of process shall be made pursuant to the procedures provided by 42 Pa.C.S. Ch. 53 Subch. B (relating to interstate and international procedure). When making service of process by mail, such process shall be mailed to _____. The above-named is authorized and directed to accept service of process on behalf of the Insured(s) or Underwriter(s) in any such action or upon the request of the insured (or reinsured) to give a written undertaking to the insured (or reinsured) that it or they will enter a general appearance for the Insurer(s) or Underwriter(s) in the event such an action shall be instituted.

Further, pursuant to any statute of any state, territory or district of the United States of America, which makes provisions therefor, the Insured(s) or Underwriter(s) hereby designates the Superintendent, Commissioner or Director of Insurance or other officer specified for that purpose in the statute or his successor or successors in office, as the true and lawful attorney upon whom any lawful process may be served in any action, suit or proceeding instituted by or on behalf of the insured (or reinsured) or any beneficiary hereunder arising out of his contract of insurance (or reinsurance), and hereby designates the above-named as the person on whom such process or a true copy thereof shall be served.

§ 124.5. Diligent search of admitted insurers.

Under section 1604(2)(i) of the act (40 P.S. § 991.1604(2)(i)), surplus lines insurance may be procured through a surplus lines licensee from nonadmitted insurers if a diligent search is made among the admitted insurers who are writing, in this Commonwealth, coverage comparable to the coverage being sought. The following minimum requirements and conditions apply to the conduct of a diligent search among admitted insurers under section 1604(2)(i) of the act.

(1) Under section 1609(a)(1)(i) of the act (40 P.S. § 991.1609(a)(1)(i)), the writing producer shall execute and forward to the surplus lines licensee a written statement, in a form prescribed by the Department, declaring that a diligent effort to procure the desired coverage from admitted insurers was made. A diligent effort will be deemed to have been made if the writing producer has documented a declination of coverage from at least three admitted insurers which are writing, in this Commonwealth, coverage comparable to the coverage being sought. A declination may be documented by any of the following:

- (i) A written declination from the admitted insurer.
- (ii) A written record of an oral declination made by the person who initially received the declination or by another person working for the business from information transmitted by the person who received the declination. The written record must include:

(A) The name, office location and phone number of the admitted insurer or firm acting in the capacity of underwriting manager for the admitted insurer.

(B) The name and position of the person contacted.

(C) The date of contact.

(D) An explanation of the declination.

(iii) A written record that the writing producer contacted an admitted insurer who failed to respond within 5 business days, which includes the manner in which the contact was made and the information required under subparagraph (ii)(A)—(C).

(iv) A written record that the risk does not meet the underwriting guidelines of the admitted insurer. The written record must include:

(A) The name of the admitted insurer.

(B) Reference to the underwriting guidelines upon which the declination is based.

(2) A declination shall be obtained from the admitted insurer or recorded by the writing producer at or near the time of receipt of the declination and maintained for at least 5 years following termination of the contract.

(3) A declination of coverage by an admitted insurer shall be made by a person who is a full-time employee of the admitted insurer and who has underwriting responsibility for that admitted insurer or by a full-time employee of a firm acting in the capacity of underwriting manager for the admitted insurer.

(4) For purposes of this paragraph, the term "affiliate" is used as defined in section 1401 of The Insurance Company Law of 1921 (40 P.S. § 991.1401).

(i) A declination may not be obtained from an admitted insurer which is an affiliate of an admitted insurer from which a declination has already been obtained.

(ii) Surplus lines insurance may not be placed with a nonadmitted insurer that is an affiliate of an admitted insurer from which a declination has been obtained.

(iii) The restrictions in subparagraphs (i) and (ii) do not apply if the affiliated insurers write independently of each other using separate and independently developed underwriting criteria and marketing plans, and for underwriting purposes, compete with each other for the same type of coverage or class of insurance.

(5) Under section 1609(a)(2) of the act, the surplus lines licensee shall file with the Department a written declaration of the licensee's lack of knowledge of how the coverage could have been procured from admitted insurers and shall simultaneously file the written declaration of the writing producer required under section 1609(a)(1) of the act. Under section 1609(a)(3) of the act, if the surplus lines licensee acts as both the writing producer and surplus lines licensee in a particular transaction, the surplus lines licensee is required to execute the declarations required under section 1609(a)(1) and (2) of the act.

§ 124.6. Export list coverages.

(a) Under section 1604(2)(ii) of the act (40 P.S. § 991.1604(2)(ii)), the Commissioner may create and maintain an export list of insurance coverages for which the full amount or kind of insurance cannot be obtained from admitted insurers.

(b) The diligent search requirement of section 1604(2)(i) of the act and the reporting requirements of

section 1609(a) of the act (40 P.S. § 991.1609(a)) do not apply to the placement of an insurance coverage which appears on the export list.

(c) Within 45 calendar days after the placement of an insurance coverage which appears on the most recent export list published by the Commissioner, the surplus lines licensee shall file with the Department or its designee a written declaration reporting the transaction on a form prescribed by the Department.

§ 124.7. Unique forms of coverages.

Under section 1604(2)(iii) of the act (40 P.S. § 991.1604(2)(iii)), surplus lines insurance may be procured through a surplus lines licensee from nonadmitted insurers if the kind of insurance sought to be obtained from admitted insurers requires a unique form of coverage not available in the admitted market. Within 45 calendar days after a unique form of coverage has been placed, the surplus lines licensee shall file with the Department or its designee, a written declaration reporting the transaction on a form prescribed by the Department.

§ 124.8. (Reserved).

§ 124.9. (Reserved).

§ 124.10. Eligible surplus lines insurer filing requirements.

(a) A request to consider a foreign insurer for placement on the Department's eligible surplus lines insurer list under section 1605(b) of the act (40 P.S. § 991.1605(b)) shall be made in writing by or on behalf of an insurer and include the following:

(1) *Certificate of authority.* A copy of the certificate of authority of the insurer or similar document setting forth its authority to issue policies and insure risks in the jurisdiction in which the insurer is incorporated, formed or organized.

(2) *Financial statement.* A copy of the jurat page from the latest annual financial report or statement of the insurer signed by the officers of the insurer and filed with the insurance regulatory authority or other governmental authority in the jurisdiction in which the insurer is incorporated, formed or organized. If the Department is unable to determine from the jurat page of the latest annual financial report or statement whether the insurer meets the requirements of section 1605(a) of the act, the insurer shall, upon request, forward to the Department:

(i) A copy of the entire annual financial report or statement. The copy must include all supplemental reports, exhibits and schedules required as part of the annual statement filing.

(ii) A copy of each subsequent quarterly financial report or statement of the insurer signed by the officers of the insurer and filed with the insurance regulatory authority or other governmental authority in the jurisdiction in which the insurer is incorporated, formed or organized.

(3) *Kind of insurance.* A written statement by an officer of the insurer identifying the kinds of insurance coverages the insurer intends to write and the types of risks the insurer intends to insure in this Commonwealth.

(b) After placement on the eligible surplus lines insurer list, a foreign insurer shall submit to the Department the information required under subsection (a)(2) within 30 days after the date required for filing in its domiciliary jurisdiction. If the Department cannot determine from the information provided whether the insurer continues to

meet the requirements of section 1605(a) of the act, the insurer shall submit the information required under subsection (a) upon request.

(c) A request to consider an alien insurer for placement on the Department's eligible surplus lines insurer list under section 1605(b) of the act shall be made in writing by or on behalf of an insurer and include documentation evidencing that the insurer is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners.

(d) After placement on the eligible surplus lines insurer list, a nonadmitted insurer shall notify the Department within 10 business days if the nonadmitted insurer no longer satisfies the requirements of section 1605 of the act.

§ 124.11. Exempt commercial purchaser.

For the Department to determine whether a surplus lines licensee has placed business for an exempt commercial purchaser under section 1610(a.1) of the act (40 P.S. § 991.1610(a.1)), the surplus lines licensee shall file, with the Department or its designee, a written declaration reporting the transaction on a form prescribed by the Department.

[Pa.B. Doc. No. 13-1982. Filed for public inspection October 25, 2013, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 65 AND 75]

Fishing; Special Fishing Regulations and Endangered Species; Correction

The Fish and Boat Commission (Commission) recently discovered an error in its final-form rulemaking published as 42 Pa.B. 7684 (December 22, 2012). This final-form rulemaking amended, among other things, Chapter 75 (relating to endangered species) to add the Chesapeake Logperch (*Percina bimaculata*) to the Commonwealth's list of threatened species in § 75.2 (relating to threatened species).

In the Summary of Changes in the preamble to the final-form rulemaking, the last sentence of the final paragraph of section 6 incorrectly stated that the Commission added the Chesapeake Logperch to the Commonwealth's list of endangered species. Notwithstanding the error in that sentence, the preceding sentence correctly stated "Enough information is available to make the determination that this species is threatened in this Commonwealth at present and to justify adding it to the Commonwealth's list of threatened species." In addition, the commentary and Annex A of the proposed rulemaking published at 42 Pa.B. 3449 (June 16, 2012) pertaining to this change correctly indicated the proposed listing of the Chesapeake Logperch as an addition to the Commonwealth's list of threatened species.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 13-1983. Filed for public inspection October 25, 2013, 9:00 a.m.]

Title 67—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 175]

Vehicle Equipment Standards and Safety Inspection Process

The Department of Transportation, under the authority in 75 Pa.C.S. §§ 4103, 4301, 4501, 4521 and 6103, amends Chapter 175 (relating to vehicle equipment and inspection) to read as set forth in Annex A.

Purpose of this Chapter

The purpose of Chapter 175 is to establish vehicle equipment standards, including lighting, brakes and other devices, and to regulate the vehicle equipment safety inspection process.

Purpose of the Final-Form Rulemaking

The purpose of this final-form rulemaking is to revise the equipment and inspection standards, including the frequency of inspection, coordination of inspection with vehicle registration, hours of operation of official inspection stations, certification of inspection mechanics, recording inspections, windshield replacement procedures, ordering inspection stickers, cause for suspension of inspection privileges, bumper height, rear wheel shields, mirrors, tire size, pedalcycle racks, exhaust systems, motorcycle handlebars and street rod equipment requirements.

Summary of Comments and Changes in the Final-Form Rulemaking

The proposed rulemaking was published at 42 Pa.B. 4704 (July 28, 2012). The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees.

Comments or objections were not received from the public, the House and Senate Transportation Committees or IRRC. Consequently, changes have not been made to this final-form rulemaking.

Persons and Entities Affected

This final-form rulemaking affects owners of vehicles subject to inspection, official inspection stations, certified inspection mechanics and law enforcement personnel.

Fiscal Impact

Implementation of this final-form rulemaking will not require the expenditure of additional funds by the Commonwealth or local municipalities. This final-form rulemaking may impose additional costs on vehicle owners to bring their vehicles into compliance with these regulations. The final-form rulemaking does not require the completion of additional forms, reports or other paperwork.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 17, 2012, the Department submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 4704, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when re-

quested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on September 18, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective September 18, 2013.

Effective Date and Sunset Provisions

This final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*. The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under 75 Pa.C.S. (relating to Vehicle Code). The Department, however, will continue to closely monitor these regulations for their effectiveness.

Contact Person

The contact person for technical questions about the final-form rulemaking is Kristen Singer, Manager, Vehicle Inspection Division, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 787-2171.

Order

The Department of Transportation orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 175, are amended by adding § 175.35 and by amending §§ 175.2, 175.5, 175.6, 175.11, 175.27, 175.29, 175.33, 175.41—175.44, 175.51, 175.66, 175.78, 175.80, 175.96, 175.105, 175.110, 175.130, 175.143, 175.146, 175.160, 175.172, 175.174, 175.175, 175.190, 175.208, 175.209 and 175.220 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality and form as required by law.

(c) The Secretary shall certify this order and Annex A and deposit the same with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

BARRY J. SCHOCH, P.E.,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 5903 (October 5, 2013).)

Fiscal Note: Fiscal Note 18-425 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 67. TRANSPORTATION

PART I. DEPARTMENT OF TRANSPORTATION

Subpart A. VEHICLE CODE PROVISIONS

ARTICLE VII. VEHICLE CHARACTERISTICS

CHAPTER 175. VEHICLE EQUIPMENT AND INSPECTION

Subchapter A. GENERAL PROVISIONS

§ 175.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

ASME Code—The American Society of Mechanical Engineers Boiler and Pressure Vessel Code; Section VIII, Division I, and Section IX of the 1971 and later editions.

ASTM—The American Society for Testing and Materials.

Acute area of the windshield—The center of the critical area on the driver's side of the vehicle directly in the driver's normal line of vision—8 1/2 inches wide and 5 1/2 inches high.

Allowable working pressure—The pounds per square inch for which the container was constructed or, if conditions have changed, the maximum pressure at specified temperatures permitted at the most recent inspection by a certified inspector.

Alteration—A change in the construction, design or installation of a container that affects the strength or safety of the system.

Antique motor vehicle—The term as defined in 75 Pa.C.S. § 102 (relating to definitions).

Auxiliary driving lamp—A lighting device mounted to provide illumination in front of the vehicle and to supplement the upper beam of a standard headlamp system; it is not intended for use alone or with the lower beam of a standard headlamp system.

Back-up lamp—A lamp used to provide illumination behind the vehicle and to provide a warning signal when the vehicle is in reverse gear.

Bead—That part of the tire made of steel wires wrapped or reinforced by ply cords, that is shaped to fit the rim.

Belt—A layer made of fabric or other material located under the tread area.

Bureau—The Bureau of Motor Vehicles of the Department.

Bus—A motor vehicle as defined in 75 Pa.C.S. § 102.

CGA—The Compressed Gas Association, Inc.; 500 Fifth Avenue; New York, New York 10036.

Cargo lamp—A lamp mounted on a multipurpose passenger vehicle, truck or bus that provides illumination to load or unload cargo.

Certified inspection mechanic—A person who holds a valid certification card issued by the Bureau certifying that the person is qualified, has passed all requirements to inspect specific vehicles and holds a valid driver's license for the correct class of vehicle.

Certified inspector—A person who holds a certificate issued by the Boiler Division in the Bureau of Occupation and Industrial Safety within the Department of Labor and Industry certifying that the person is qualified to inspect unfired pressure vessels.

Classic motor vehicle—The term as defined in 75 Pa.C.S. § 102.

Clearance lamps—Lamps which show to the front or rear of a vehicle to indicate overall width and height of a vehicle—on trucks and buses 80 inches or more in width.

Collectible motor vehicle—The term as defined in 75 Pa.C.S. § 102.

Combination—The term as defined in 75 Pa.C.S. § 102.

Commonwealth inspection station—An inspection station appointed to inspect all types of vehicles, space permitted, owned by and engaged exclusively in the

performance of the official duties of the Federal government, the Commonwealth or a political subdivision of the Commonwealth.

Cord—The strands forming the plies in the tire.

Critical area of the windshield—The part of the vehicle windshield cleaned by the sweep of the windshield wiper system.

DOT—The United States Department of Transportation.

Department—The term as defined in 75 Pa.C.S. § 102.

Designated area—The geographic area which the Department, in conjunction with the Department of Environmental Protection, and the United States Environmental Protection Agency, has identified as an Emission I/M Program designated area. A copy of the Department's designation is available upon request from the Department.

Driveaway-towaway operation—The term as defined in 75 Pa.C.S. § 102.

Emergency vehicle—As defined in 75 Pa.C.S. § 102.

Essential parts—The term as defined in 75 Pa.C.S. § 102.

FMVSS—Federal Motor Vehicle Safety Standards in 49 CFR Part 571 (relating to Federal motor vehicle safety standards).

Farm vehicle—The term as defined in 75 Pa.C.S. § 102.

Firefighting vehicle—A vehicle used exclusively for fighting fires. The term does not include passenger cars, buses and motorcycles.

Fleet inspection station—An inspection station appointed to inspect all types of vehicles, space permitting, leased by or owned and registered in the name of the person in whose name the certificate of appointment is issued.

Fleet owner—The term as defined in 75 Pa.C.S. § 102.

Fog lamps—Lamps which are used with or in lieu of the lower beam headlamps to provide illumination under conditions of rain, snow or fog.

Foreign vehicle—The term as defined in 75 Pa.C.S. § 102.

Fuel supply container—A tank or cylinder installed on a vehicle to supply fuel for the propulsion system of the vehicle.

GCWR—Gross combination weight rating—The term as defined in 75 Pa.C.S. § 102.

GVWR—Gross vehicle weight rating—The term as defined in 75 Pa.C.S. § 102.

General inspection station—An inspection station appointed to inspect all types of vehicles if the station is so equipped.

Groove—The space between two adjacent tread ribs.

Gross weight—The term as defined in 75 Pa.C.S. § 102.

Hazard warning system or emergency signal system—A driver-controlled system of flashing front and rear lights used to warn approaching motorists when a car has broken down or is traveling at a slow speed.

Heavy truck—A truck having a registered gross weight in excess of 17,000 pounds or a truck tractor.

House trailer—The term as defined in 75 Pa.C.S. § 102.

ICC—The Interstate Commerce Commission; now functionally superseded by DOT in matters relating to safety.

Identification lamps—Lamps used in groups of three, in a horizontal row, which show to the front or rear, or both, on vehicles 80 inches or more in width.

Implement of husbandry—The term as defined in 75 Pa.C.S. § 102.

Indicator lights—Lamps that are visible to the operator of a vehicle that indicate operation of appropriate electrical circuits, malfunction of vehicle performance and requirement for remedial action by the operator of the vehicle.

Inspection area—The area of a station in which all inspections must be conducted.

Inspection/Maintenance (I/M) insert tab—A numbered tab, applied to the safety certificate of inspection, which indicates the month in which the safety certificate of inspection expires and that the vehicle is subject to the Emission Inspection Program.

Inspection/Maintenance (I/M) registration indicator—An indicator on the registration card which identifies the vehicle as a subject vehicle which shall be emission inspected annually.

Inspection station supervisor—A person designated by the Department to investigate, inspect and supervise the operation of inspection stations.

License plate lamp—A lamp used to illuminate the license plate on the rear of the vehicle.

Light truck—A truck having a registered gross weight of 11,000 pounds or less.

Manufacturer—The term as defined in 75 Pa.C.S. § 102.

Mass transit vehicle—The term as defined in 75 Pa.C.S. § 102.

Material which does not permit a person to see or view the inside of the vehicle—A material which reduces the transmittance of light to below 70% or to a percentage which is less than the percentage permitted by FMVSS No. 205 in effect at the time of the vehicle's manufacture.

Medium truck—A truck having a registered gross weight from 11,001 to 17,000 pounds, inclusive.

Mobile home—The term as defined in 75 Pa.C.S. § 102.

Modular housing undercarriage—The term as defined in 75 Pa.C.S. § 102.

Modular housing unit—The term as defined in 75 Pa.C.S. § 102.

Motor carrier vehicle—A truck, truck-tractor or combination having a gross weight or registered gross weight in excess of 17,000 pounds.

Motorcycle—The term as defined in 75 Pa.C.S. § 102.

Motorcycle inspection station—An inspection station appointed to inspect only motorcycles.

Motor-driven cycle—A motorcycle, including a motor scooter, with a motor which produces not to exceed five-brake horsepower, and every pedalcycle with a motor attached.

Motor home—The term as defined in 75 Pa.C.S. § 102.

Motor vehicle—The term as defined in 75 Pa.C.S. § 102.

Motorized pedalcycle—The term as defined in 75 Pa.C.S. § 102.

Multi-purpose passenger vehicle—A passenger car which is constructed on a truck chassis or which has special features for off-road use in addition to highway use.

NFPA—The National Fire Protection Association; 470 Atlantic Avenue; Boston, Massachusetts 02210.

NHTSA—The National Highway Traffic Safety Administration.

Ornamental lamps—Lamps not required and not located as described in Tables III, IV and V of this chapter, unless available as original equipment. Flashing or revolving lights are not ornamental lamps. Flashing or revolving lights and their use are addressed in Chapters 15 and 173 (relating to authorized vehicles and special operating privileges; and flashing or revolving lights on emergency and authorized vehicles).

Parking brake system—A brake system used to hold and maintain a vehicle in a stationary position. A positive mechanical means is employed to hold the brake applied when the vehicle is unattended.

Parking lamps—Steady-burning, low intensity lights used when a vehicle is stopped or parked.

Passenger car—The term as defined in 75 Pa.C.S. § 102.

Pedalcycle—The term as defined in 75 Pa.C.S. § 102.

Person—The term as defined in 75 Pa.C.S. § 102.

Ply—A layer of rubber-coated parallel cords.

Pole trailer—A trailer, including those with a variable wheelbase, attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular-shaped loads, including poles, pipes or structural members capable of sustaining themselves as beams between the supporting connections.

Rake—On motorcycles, the angle, measured in degrees, of a motorcycle's steering axis in relation to a line which is perpendicular to the vehicle wheel base; on passenger cars or trucks, the ground clearance at the front or rear of a vehicle, reduced or increased, giving tilted appearance.

Reconstructed vehicle—The term as defined in 75 Pa.C.S. § 102.

Recreational trailer—The term as defined in 75 Pa.C.S. § 102.

Recreational and utility trailer inspection station—An inspection station appointed to inspect only recreational and utility trailers.

Reflex reflector—A reflective device used for reflecting light, usually built into a lens.

Registered gross weight—The term as defined in 75 Pa.C.S. § 102.

Registration—The term as defined in 75 Pa.C.S. § 102.

Renewed emissions certificate of inspection—An emissions certificate of inspection that remains valid for more than 90 days.

Safety insert tab—A numbered tab, applied to the Safety Certificate of Inspection, which indicates the month in which the safety certificate of inspection expires.

School bus—The term as defined in 75 Pa.C.S. § 102.

Secretary—The term as defined in 75 Pa.C.S. § 102.

Semitrailer—The term as defined in 75 Pa.C.S. § 102.

Service brake system—A brake system used for retarding, stopping and controlling the vehicle under normal operating conditions.

Side marker lamps—Lamps located on the left and right sides, beamed and intended to indicate vehicle length.

Snow plow lamp—A lamp used in substitution of headlamps on vehicles equipped with snow plows.

Special mobile equipment—The term as defined in 75 Pa.C.S. § 102.

Specially constructed vehicle—The term as defined in 75 Pa.C.S. § 102.

Stop lamp—A lamp at the rear of the vehicle which indicates the brake is being applied by the operator to slow or stop the vehicle.

Street rod—The term as defined in 75 Pa.C.S. § 102.

Subject vehicle—A gasoline powered vehicle with a gross vehicle weight rating of 9,000 pounds or less, moved upon a highway and registered or titled in a designated area, as defined in Chapter 177 (relating to emission inspection program), except any of the following:

- (i) Special mobile equipment.
 - (ii) An implement of husbandry.
 - (iii) A motor vehicle being towed.
 - (iv) A motor vehicle being driven or towed by an official inspection station owner or employee for the purpose of inspection.
 - (v) A classic motor vehicle.
 - (vi) An antique motor vehicle.
 - (vii) A motorcycle.
 - (viii) A motorized pedalcycle.
 - (ix) A motor driven cycle.
 - (x) A street rod.
 - (xi) A vehicle being repossessed by a financier or collector/repossessor through the use of a miscellaneous motor vehicle business registration plate.
 - (xii) A new vehicle while it is in the process of manufacture, including testing and not in transit from the manufacturer to a purchaser or dealer.
 - (xiii) A military vehicle used for training by a private, nonprofit, tax exempt military educational institution when the vehicle does not travel on public roads in excess of 1 mile and when the property on both sides of the public road is owned by the institution.
 - (xiv) A school bus over 11,000 pounds gross vehicle weight rating.
 - (xv) A bus, other than school bus, with a seating capacity of 27 or more.
- Supply line*—The piping, tubing or hose, including all related fittings, through which vapor or liquid passes between the first shut-off valve at the container and the final stage regulator or vaporizer.
- Suspend*—The term as defined in 75 Pa.C.S. § 102.
- Tail lamp*—A steady burning low-intensity light used on the rear of a vehicle.
- Taxi*—The term as defined in 75 Pa.C.S. § 102.

Temporary inspection approval indicator—An adhesive insert affixed to the current certificate of safety inspection, as viewed from inside the vehicle, used to designate vehicles which have successfully passed a required periodic safety inspection, but do not display a renewed emission certificate of inspection.

Tire width—The term as defined in 75 Pa.C.S. § 102.

Trail—The distance measured in inches between the point at which the steering axis of a motorcycle intersects with the ground in front of the motorcycle and the point at which the forward limit of the wheel base intersects with the surface below the motorcycle.

Trailer—The term as defined in 75 Pa.C.S. § 102.

Trailer inspection station—An inspection station appointed to inspect only trailers.

Tread—That portion of the tire that comes into contact with the road.

Tread rib—The tread section running circumferentially around the tire.

Truck—The term as defined in 75 Pa.C.S. § 102.

Truck-camper—The term as defined in 75 Pa.C.S. § 102.

Truck tractor—The term as defined in 75 Pa.C.S. § 102.

Turn signal—A lamp showing to front and rear for the purpose of indicating an intention to turn either to the right or left or for pulling into traffic or changing lanes.

UL—The Underwriter's Laboratories, Inc.

Utility trailer—The term as defined in 75 Pa.C.S. § 102.

VIN—*Vehicle identification number*—The term as defined in 75 Pa.C.S. § 102.

Vehicle—The term as defined in 75 Pa.C.S. § 102.

Vehicle Inspection Division—The area of the Bureau which administers vehicle equipment and inspection matters.

§ 175.5. Semiannual inspection.

School buses, vehicles which are under contract with or owned by a school district or a private or parochial school, including vehicles having chartered group and party rights under the Public Utility Commission and used to transport school students; passenger vans used to transport persons for hire or owned by a commercial enterprise and used for the transportation of employees to or from their place of employment; mass transit vehicles and motor carrier vehicles with a registered gross weight in excess of 17,000 pounds, other than farm vehicles for which a biennial certificate of exemption has been issued shall be subject to semiannual inspection.

§ 175.6. Annual inspection.

Other vehicles, including motor homes, emergency vehicles and private noncommercial vehicles used to transport students, shall be inspected annually. Motor homes and emergency vehicles built on a truck chassis shall be inspected according to the appropriate truck inspection procedure based on the registered gross weight of the vehicle.

§ 175.11. Coordination of safety and emission inspection.

(a) All subject vehicles required to participate in the Emission I/M Program shall display on the vehicle a

renewed emission certificate of inspection prior to placement of a renewed safety certificate of inspection.

(b) Upon successful completion of a safety inspection, a certificate of inspection may be affixed to the vehicle if the vehicle's emissions certificate of inspection is valid for more than 90 days from the date of the safety inspection.

(c) If the emissions certificate of inspection will expire in less than 90 days from the date of the safety inspection, the vehicle shall receive a renewed emissions certificate of inspection prior to a renewed safety certificate of inspection being affixed.

(d) A temporary inspection approval indicator may be used to designate vehicles which have successfully passed the required periodic safety inspection, but must display a renewed emission certificate of inspection, or obtain an official waiver, prior to placement of the renewed safety certificate of inspection.

(e) Under this chapter, the expiring safety certificate of inspection may be replaced with a new safety certificate of inspection at any time prior to the expiration of the certificate of inspection to which the temporary inspection approval indicator is affixed. The temporary inspection approval indicator does not extend the inspection expiration of any certificate of inspection to which it is affixed.

Subchapter B. OFFICIAL INSPECTION STATIONS

§ 175.27. Hours.

(a) An inspection station shall be open for business a minimum of 40 hours, Monday through Friday between 7 a.m. and 5 p.m. This section may be waived by the Bureau upon written request of the inspection station owner and prior approval of the inspection station supervisor. To be considered for a waiver of this section, the inspection station shall be open for business at least 10 business hours between 7 a.m. and 8 p.m. Monday through Friday. A request for a waiver of this section shall be submitted on a form provided by the Department. A waiver of this section may be denied or revoked for any of the following reasons:

(1) A violation of this chapter was committed by the inspection station owner, manager, a certified inspection mechanic or other employee at the station within 3 years immediately preceding a request for a waiver.

(2) The station owner, manager, a certified inspection mechanic or other employee at an inspection station that has been granted a waiver of this section commits a violation of this chapter after the waiver has been granted.

(3) Station personnel currently employed or hired have been or are currently suspended for a violation of this chapter.

(4) The Department or a designee is unable, on two attempts on 2 different business days, to perform an official visit, including a periodic records audit, during the hours specified in the approved waiver.

(5) An inspection station fails to be in operation during the hours specified in the waiver.

(6) An inspection station fails to comply with this section.

(b) This section does not apply to Commonwealth or fleet inspection stations.

§ 175.28. Certified inspection mechanics.

(a) *General.* An official inspection station shall have at least one certified inspection mechanic. Every inspection shall be performed by a certified inspection mechanic. The mechanic shall only inspect the type of vehicle for which he is certified and for which he holds a valid driver's license, except as otherwise provided in 75 Pa.C.S. § 4726(a) (relating to certification of mechanics). The mechanic signing the inspection sticker shall conduct and be responsible for the entire inspection of the vehicle, including the road test, except that the Department may exempt a mechanic from the requirement to perform a road test because of a physical disability. See 75 Pa.C.S. § 4726.

(b) *Multiple stations.* A certified inspection mechanic may work part time at more than one official inspection station if the mechanic notifies the inspection station supervisor and the Vehicle Control Division of the names and station numbers of all current employers. Failure to do so may result in suspension of the mechanic's inspection privileges.

(c) *Number of inspections.* A certified mechanic may not inspect more than:

(1) Two vehicles other than motorcycles per hour.

(2) Three motorcycles per hour.

(d) *Certification requirements.* A mechanic desiring to maintain certification or to become certified:

(1) Shall be 18 years of age or older.

(2) Shall, as provided in subsection (a), have a valid driver's license for each class of vehicle which the mechanic will inspect; except that a certified mechanic who inspects school buses is not required to hold a school bus driver endorsement. For the purposes of this chapter, a valid driver's license does not include a learner's permit, a probationary license held by a driver for less than 3 years, an occupational limited license or an interlock license. A mechanic exempted from the requirement to perform the road test shall also be exempt from the requirement of this paragraph.

(3) Shall have completed an approved certification course and successfully completed the required examination.

(4) Shall pass the required tactile test administered by a certified/qualified automotive instructor at an approved education facility.

(e) *Recertification.* A mechanic shall be certified for no more than 5 years. Mechanics may renew their mechanic certification by passing the required examination within 180 days of receipt of notice from the Department that the mechanic card is due to expire.

(f) *Prior certification.* A mechanic card without an expiration date shall remain valid for 180 days after the date of notice to the mechanic to attend the certification course. Failure to complete the certification course and pass the required tests within 180 days will result in cancellation.

(g) *Mechanic license codes.* A mechanic will be issued codes from the following table for the types of vehicle inspections and equipment testing the mechanic is authorized to perform:

| Code | Authorized Inspection or Testing |
|------|--|
| 1 | Inspection of passenger cars, trucks 17,000 pounds or less and trailers less than 10,000 pounds |
| 2 | Inspection of motorcycles |
| 3 | Inspection of trucks over 17,000 pounds, trailers over 10,000 pounds and buses |
| 4 | Inspection of vehicles |
| 5 | Inspection under codes 1 and 2 |
| 6 | Inspections under codes 2 and 3 |
| 7 | Inspections under codes 1 and 3 |
| 9 | Testing and calibration of electronic (nonradar) speed timing devices that measure elapsed time between two sensors |
| A | Testing and calibration of electronic (radar) speed timing devices |
| B | Testing and calibration of stopwatches |
| C | Testing and calibration of speedometers |
| D | Testing and calibration of electronic (nonradar) speed timing devices that calculate average speed between two points |
| J | Enhanced vehicle safety inspection in conjunction with inspection under existing mechanic license codes in this table for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title |

(h) *Mechanic card.* The valid mechanic card shall be carried by the mechanic when performing an inspection.

(i) *Certified document reviewer.* The Department may certify nonmechanics to perform document review for the purpose of authorizing the issuance of a branded Pennsylvania certificate of title.

§ 175.29. Obligations and responsibilities of stations.

(a) *Personal liability.* It is the responsibility of the owner of an inspection station to do all of the following:

(1) To conduct the business of the official inspection station honestly and in the best interests of this Commonwealth, in accordance with the provisions of 75 Pa.C.S (relating to Vehicle Code) and this chapter, and, except in the case of a fleet or Commonwealth inspection station, to make every reasonable effort to inspect all vehicles upon request.

(2) To make official inspection regulations and supplements available for the use of certified inspection mechanics and other employees involved in inspection.

(3) To notify the inspection station supervisor and the Vehicle Control Division when a certified mechanic is hired.

(4) To keep inspection records and required work orders available for examination and audit by the inspection station supervisor and other authorized persons.

(5) To keep certificate of inspection requisition forms for each inspection campaign.

* * * * *

(f) *Customer relations.* The garage owner shall consult the vehicle owner for permission to make repairs.

(1) The permission may be established at the time the vehicle is brought to the station for inspection or after it is determined the repairs are needed.

(2) The vehicle owner shall be allowed to make his own repairs or to select anyone else he desires to do them for him.

(3) A part replaced as a result of inspection shall be retained until the vehicle is returned to the customer. The customer shall have the right to examine all replaced parts.

(4) The vehicle owner shall be informed in writing on the receipt or work order of any parts which, although in passing condition, the mechanic believes may become dangerous before the next inspection period. The brake and tire readings shall be indicated in writing on the receipt or work order. If a temporary inspection approval indicator is issued, the receipt or work order shall also contain the following information:

(i) A statement which specifies that failure to return the vehicle displaying a renewed emission certificate of inspection to the station prior to the expiration of the safety certificate of inspection shall void the temporary inspection approval indicator and necessitate a complete reinspection of the vehicle for which a fee may be charged.

(ii) A statement indicating that the fee for affixing a new certificate of inspection which shall be charged upon the return of the vehicle for the new certificate of inspection to be affixed. This fee shall be no greater than the posted fee for the certificate of inspection as required by § 175.24(2) (relating to required certificates and station signs).

§ 175.33. Motorcycle inspection stations.

* * * * *

(d) *Record sheets.* A motorcycle inspection shall be recorded on Form MV-480.

* * * * *

§ 175.35. Enhanced vehicle safety inspection stations.

(a) *Eligibility.* The enhanced vehicle safety inspection designation will be issued to stations that perform enhanced vehicle safety inspections for the purpose of titling reconstructed, specially constructed, recovered theft, flood, collectible, modified vehicles, street rods and other vehicles requiring a branded certificate of title as prescribed by the Department.

(b) *General requirements.* In addition to contractual requirements prescribed by the Department, an applicant for an enhanced vehicle safety inspection station shall meet the requirements of this chapter unless specifically exempted.

(c) *Certified enhanced inspection mechanic.* Each enhanced vehicle safety inspection station shall have a certified enhanced inspection mechanic authorized by the Department employed and present during normal business hours.

(d) *Certified document reviewer.* An enhanced vehicle safety inspection station shall have a certified document reviewer authorized by the Department employed and present during normal business hours. The certified enhanced inspection mechanic may act as the certified document reviewer.

(e) *Method of inspection.* A subject vehicle shall undergo an enhanced vehicle safety inspection according to this chapter by a mechanic certified to perform enhanced inspections on the appropriate class of vehicle.

(f) *Tools.* In addition to the tool requirements of § 175.26 (relating to tools and equipment), enhanced vehicle safety inspection stations shall have additional tools and equipment as contractually required by the Department.

Subchapter C. CERTIFICATE OF INSPECTION

§ 175.41. Procedure.

(a) *Unauthorized display of certificate of inspection.* No certificate of inspection or temporary inspection approval indicator may be marked or affixed to a vehicle unless the vehicle has successfully passed inspection, meeting the requirements of 75 Pa.C.S. (relating to Vehicle Code) and this chapter.

(b) *Type.* A certificate of inspection shall be selected for the particular type of vehicle being inspected according to this chapter. The certificate of inspection shall be examined before using. If found to be incorrect, the inspection station supervisor and the Vehicle Inspection Division shall immediately be notified.

(1) TS-460 shall be used for motor vehicles except motorcycles and motor-driven cycles.

(2) TS-463 shall be used for trailers, motorcycles and motor-driven cycles.

(3) A temporary inspection approval indicator shall be used to designate a vehicle which has successfully passed the required periodic safety inspection, but which shall display a renewed emission certificate of inspection before a new safety certificate of inspection sticker may be affixed to the vehicle.

(c) *Required information.* The information on the rear of the certificate of inspection shall be completed in its entirety in permanent ink. The odometer reading is not required to be completed for trailers and motorcycles.

(1) The temporary inspection approval indicator shall be affixed as described in subsection (e)(5) so as to be visible to the vehicle operator (while seated in the driver's location) without obscuring any required information entered on the back of the safety certificate of inspection.

(2) When replacing a certificate of inspection for which a temporary inspection approval indicator has been issued, the back of the new certificate of inspection shall be completed using the information recorded at the time of the original inspection.

(d) *Affixing certificate of inspection or temporary inspection approval indicator.* The certificate of inspection or temporary inspection approval indicator shall only be affixed to the vehicle immediately upon the successful completion of the inspection, on the premises of the official inspection station and on a portion of the premises located within 100 feet and on the same side of the street as the official inspection station. A certificate of inspection or temporary approval indicator may not be issued or affixed at another area or location.

* * * * *

(f) *Inspection cycles.* When selecting the proper type of certificate insert, the new expiration date is based upon whether the inspection is an annual or semiannual inspection.

(1) An annually inspected vehicle will receive an inspection for 1 year from the expiration of the safety inspection sticker which is about to expire, except motorcycles, which receive an expiration in accordance with charts provided by the Department. A sticker may not be issued for more than 15 months from the month of

inspection. If a vehicle, other than a motorcycle, does not display a currently valid certificate of inspection, the vehicle shall receive an inspection valid for 1 year from the month of inspection.

(2) A semiannually inspected vehicle will receive an inspection for no more than 9 months based on charts supplied by the Department.

(3) Insert stickers will be selected based upon the expiration date on the new inspection. If the vehicle is subject to emission inspection as determined by an I/M indicator on the registration card, the vehicle will receive an I/M indicator tab on the safety certificate of inspection.

(4) A temporary inspection approval indicator shall be used to indicate that a vehicle has successfully passed the required periodic safety inspection, but shall display a renewed emission certificate of inspection before a new safety certificate of inspection sticker may be affixed to the vehicle. The temporary inspection approval indicator does not extend the expiration of any certificate of inspection to which it is affixed.

§ 175.42. Recording inspection.

(a) *Fraudulent recording.* Fraudulent recording of an inspection will be considered cause for suspension of inspection privileges.

(b) *Signature.* The certified mechanic who performed the entire inspection shall place his signature in accordance with the following recordkeeping requirements:

(1) At stations utilizing Form MV-431 or MV-480, the certified mechanic who performed the entire inspection shall place his signature in the appropriate column of Form MV-431 or MV-480 immediately following the inspection. Both the mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall place their signatures in the appropriate column.

(i) When the inspection information is transferred from a work order to the Form MV-431 or MV-480 by anyone other than the certified mechanic who performed the inspection, the work order shall contain the certified mechanic's signature and be retained for audit.

(ii) The person who enters the information shall place the name of the certified mechanic in the appropriate column and the initials of the person putting the information on the form in the appropriate column.

(iii) A mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall sign the work order.

(iv) The person who transfers the information shall place the names of both certified mechanics in the appropriate column.

(2) At stations utilizing an electronic data collection and storage program, the certified mechanic who performed the entire inspection shall place his signature on the work order immediately following the inspection. Both the mechanic exempted from performing the road test under this chapter and the certified mechanic who performed the road test shall place their signatures on the work order. Work orders shall be retained for audit.

(c) *Records retention.*

(1) The original official inspection report sheet (Form MV-431 or MV-480) shall be retained as a garage record and kept on file at the station for audit. At the close of each inspection period, the official inspection report sheet shall be placed in the station's files, even though all

spaces may not have been used, and a new inspection report sheet shall be started for the new inspection period.

(2) A work order signed by the inspecting mechanic as required under this section shall be available for inspection upon request by the inspection station supervisor or an authorized representative of the Department.

(d) *Content.*

(1) *Stations utilizing Form MV-431 or MV-480.* The paper inspection report sheet (Form MV-431 for passenger cars, trucks and buses or MV-480 for motorcycles and trailers) shall be neat and legible and completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded on the report sheet at the time of inspection. Items inspected, adjusted or repaired shall be recorded. If the report sheet lists a piece of equipment which does not apply to the specific type of vehicle being inspected, a dash shall be placed in the column to indicate it has not been overlooked or neglected. Certificates of inspection issued shall be listed in numeric order.

(i) Temporary inspection approval indicators, if issued in lieu of a certificate of inspection, shall be recorded on a separate report sheet (Form MV-431) and shall be indicated in the area designated for the sticker number. This separate report sheet shall be completed as described in this subsection except a "T" shall be entered in the area designated for the sticker number to indicate that a temporary inspection approval indicator was issued. An inspection station may not impose a sticker charge for the issuance of a temporary inspection approval indicator.

(ii) Upon the return of a vehicle for which a temporary inspection approval indicator has been issued, the station which originally affixed the temporary inspection approval indicator shall:

(A) Verify the year, make, body style, VIN and proof of financial responsibility for the vehicle presented for a renewed certificate of inspection to ensure it is the same vehicle indicated on the report sheet (Form MV-431) when the original inspection was performed. This information shall be recorded as a new entry on the regular report sheet (Form MV-431) where all inspection sticker serial numbers issued are recorded.

(B) Record, on the Form MV-431, the serial number of the new certificate of inspection to be affixed to the vehicle along with the vehicle owner's name, address, VIN, license plate number, vehicle year make and body style. A reference to the date and number of the original inspection performed shall be noted in the shaded area to the left of the area designated for the sticker serial number and total cost (that is, See T-inspection number 123 dated 01/01/97).

(C) Enter, in the appropriate area of the report sheet (Form MV-431), the name of the certified inspection mechanic that verified the original inspection information and that is replacing the certificate of inspection.

(2) *Stations utilizing an electronic data collection and storage program.* The inspection record shall be completed in its entirety. Details pertinent to every vehicle inspected, including rejections, shall be recorded at the time of inspection. Items inspected, adjusted or repaired shall be recorded. If the inspection record lists a piece of equipment which does not apply to the specific type of vehicle being inspected, it shall be designated in the inspection record as "N/A" to indicate it has not been overlooked or neglected.

(i) For those vehicles which pass the safety inspection but do not yet display a renewed emission certificate of inspection as required, stations shall record a pending or incomplete safety inspection without issuing a safety certificate of inspection.

(ii) The temporary inspection approval indicator shall be affixed as described in § 175.41 (relating to procedure). Upon the return of a vehicle for which a temporary inspection approval indicator has been issued, the station which originally affixed the temporary inspection approval indicator shall:

(A) Verify the year, make, body style, VIN and proof of financial responsibility for the vehicle presented for a renewed certificate of inspection to ensure it is the same vehicle indicated on the inspector record when the original inspection was performed.

(B) Record, on the pending inspection record, the serial number of the new certificate of inspection to be affixed to the vehicle.

(C) If the name of the certified inspection mechanic that verified the original inspection information and that is replacing the certificate of inspection is someone other than the certified inspection mechanic who performed the original inspection, he shall also sign the work order.

(3) *Replacing a certificate of inspection.* The certified inspection mechanic replacing the certificate of inspection shall sign the back of the new certificate of inspection and record the information from the original inspection entry (wheels pulled, date of inspection, and the like) on the new certificate of inspection before it is affixed to the vehicle.

(4) *Prohibitions against replacing a certificate of inspection.* Inspection stations may not replace a certificate of inspection to which a temporary inspection approval indicator has been affixed if one or more of the following apply:

(i) The inspection station did not perform the original inspection of the vehicle or issue the temporary inspection approval indicator affixed to the current certificate of inspection.

(ii) The vehicle does not display a renewed emission certificate of inspection.

(iii) The original safety certificate of inspection has expired.

(iv) The vehicle is in an obviously unsafe condition, including, but not limited to, bald tires, exhaust leaks, broken glazing and broken or missing lighting.

(e) *Nonrelated items.* Gas, oil or other nonrelated items may not be included in total charges for repair and inspection.

(f) *Classifications.* The form numbers listed in this subsection explain the general classification of vehicles to be recorded on each type of inspection record:

(1) *Form MV-431.* Motor vehicles except motorcycles and motor-driven cycles shall be recorded on this form.

(2) *Form MV-480.* Trailer, motorcycle and motor-driven cycles shall be recorded on this form.

§ 175.43. Security.

(a) *Check for errors.* When inspection stickers are received by the inspection station, they should be checked for errors. If errors are discovered, they shall be reported to the Vehicle Control Division at once.

(b) *Not transferable.* An inspection certificate is not transferable. It shall only be affixed to vehicles as designated on the inspection record sheet of the inspection station to which the certificates were issued.

(c) *Removal.* Except as provided in paragraphs (1) and (3), a certificate of inspection may not be removed from a vehicle for which the certificate was issued, except to replace it with a new certificate of inspection issued under this chapter and Chapter 177 (relating to emission inspection program).

(1) A person replacing or repairing a windshield in a manner that requires removal of a certificate of inspection shall, at the option of the registrant of the vehicle, cut out the portion of the windshield containing the certificate of inspection and deliver it to the registrant of the vehicle or destroy the certificate. The vehicle may be driven up to 5 days if it displays the portion of the old windshield containing the certificate. Within the 5-day period, an official inspection station may affix to the vehicle another certificate of inspection for the same period without reinspecting the vehicle in exchange for the portion of the old windshield containing the certificate of inspection. Example: A #1 certificate of inspection shall be replaced with a #1 certificate of inspection. The replacement may be made any time prior to the expiration of the certificate of inspection. A fee of no more than \$2 plus the fee paid to the Department for the certificate may be charged for exchanging the certificate of inspection.

(i) A replacement certificate of inspection may not be issued in the following circumstances.

(A) Acceptable proof of financial responsibility is not provided. For the purpose of this chapter, financial responsibility shall be proven by one of the following documents:

(I) A valid financial responsibility identification card issued in accordance with 31 Pa. Code (relating to insurance).

(II) The declaration page of a valid insurance policy.

(III) A valid self-insurance identification card.

(IV) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(V) A valid insurance policy issued by an insurance company licensed to sell motor vehicle liability insurance in this Commonwealth.

(B) The vehicle is in an obviously unsafe operating condition.

(ii) The portion of the windshield containing the certificate of inspection shall be retained for audit by the inspection station supervisor.

(iii) Record all information from the old certificate of inspection on Form MV-431. The replacement certificate of inspection shall be recorded on the same Form MV-431 and marked "replacement sticker issued." Stations utilizing an electronic data collection and storage program shall use the appropriate replacement sticker function menu to record replacements.

(iv) "Replacement" shall be marked on the reverse side of the replacement certificate of inspection.

(2) Only one current, valid certificate of inspection shall be visible on a vehicle. The old certificate of inspection shall be removed and completely destroyed before a new sticker may be affixed.

(3) A vehicle that has an expired emission certificate of inspection affixed and which no longer has an I/M registration indicator on the registration card, shall have the expired emission sticker removed by the safety inspection mechanic who is affixing a new safety certificate of inspection.

(d) *Security.* Inspection certificates and temporary inspection approval indicators shall be kept under lock and key in a safe place. The station owner shall be solely responsible for their safety and shall account for certificates of inspection and temporary inspection approval indicators issued to the station.

(e) *Unused.* Unused certificates of inspection for an expired period shall be retained by the inspection station until audited by the inspection station supervisor. The Department will refund 75% of the purchase price of the unused certificates of inspection after the audit has been completed.

(f) *Issuance of certificates of inspection.* Certificates of inspection will not be issued by the Bureau to anyone who is not listed as an authorized purchaser on Form MV-500 on file with the Bureau. The inspection station owner or manager shall accept full responsibility for certificates of inspection delivered to authorized purchasers listed on Form MV-500.

(g) *Authorized purchasers.* A new MV-500 to authorize persons to purchase certificates of inspection shall be ordered from the Vehicle Inspection Division immediately whenever an employee whose signature appears on the form is no longer employed by the station or a signature is to be added or deleted.

§ 175.44. Ordering certificates of inspection.

(a) *Forms.* The following requisition forms shall be used to order certificates of inspection and inserts:

(1) MV-436a. For vehicles.

(2) MV-467a. For inserts and temporary inspection approval indicators.

(b) *Contents.* Required information shall be entered on the order form.

(1) The correct name, address and station number, as shown on the certificate of appointment, shall be entered on every requisition form.

(2) A requisition shall be personally signed by one of the persons whose signature appears on Form MV-500. The signature shall be identical to the one on file or the requisition will be rejected. No one may order certificates of inspection unless his signature is on the Form MV-500 on file with the Department.

(c) *Additional instructions.* The following also apply:

(1) When special delivery is desired, a separate check shall be enclosed for postage. Do not enclose cash or add the amount for postage to the check for certificates of inspection.

(2) Each sticker requisition shall be accompanied by a separate check. Certificates of inspection may be ordered on one requisition form. Checks shall be made payable to the "Department of Transportation" or "PENNDOT."

(3) A requisition may be a snap-out form with two sheets in each set. A copy shall be forwarded to the Department. No copy may be detached.

(4) An incomplete or improper certificate of inspection requisition or check shall be returned to the official

inspection station for correction. To avoid unnecessary inconvenience or delay, information shall be rechecked carefully.

(5) If certificates of inspection are to be delivered to a mailing address instead of the inspection station address, the mailing address shall be included on every requisition submitted to the Department.

(d) *Copies.* A copy of the requisition or a Department receipt will be returned with the order of certificates of inspection shipped from the Department. Station copies of

the requisitions or Department receipts shall be kept on file at the station for 2 years and shall be made available for inspection upon request of the inspection station supervisor or an authorized representative of the Department.

(e) *Suggested schedule.* Certificates of inspection should be ordered as needed. Thirty days should be allowed for delivery.

(f) *Additional certificates.* An inspection station should anticipate its need for additional certificates of inspection.

Subchapter D. SCHEDULE OF PENALTIES AND SUSPENSIONS: OFFICIAL INSPECTION STATIONS AND CERTIFIED MECHANICS

§ 175.51. Cause for suspension.

(a) *Schedule.* The complete operation of an official inspection station is the responsibility of the owner. Failure to comply with the appropriate provisions of 75 Pa.C.S. (relating to Vehicle Code) will be considered sufficient cause for suspension of inspection privileges. A violator is also subject to criminal prosecution.

Duration of Suspension

| <i>Type of Violation</i> | <i>1st Violation</i> | <i>2nd Violation</i> | <i>3rd and Subsequent Violation</i> |
|--|--|--|--|
| | * * * * | * | |
| (4) <i>Category 4</i> | | | |
| (i) Misstatement of fact | 2 months | 4 months | 1 year |
| (ii) Performing or indicating unnecessary repairs for the purpose of passing an inspection | 4 months | 6 months | 1 year |
| (iii) Performing repairs for the purpose of passing an inspection without vehicle owner authorization | 4 months | 6 months | 1 year |
| (iv) Unclean inspection area | 2 months | 4 months | 6 months |
| (v) Required tools or equipment missing or broken | Warning if tools are repaired or replaced; if not, suspension until tools are repaired or replaced | 2 months or until tools are repaired or replaced, whichever is greater | 6 months or until tools are repaired or replaced, whichever is greater |
| (vi) Bad check | Warning if amount due is paid within 10 days from date notified. If not, suspension until amount due is paid | 2 months or until amount due is paid, whichever is greater | 6 months or until amount due is paid, whichever is greater |
| (vii) Failure to report discontinuance of business | 1 year | 3 years | Permanent |
| (viii) Failure to notify the Department of changes of ownership, location or other changes affecting an official inspection station | 4 months | 6 months | 1 year |
| (ix) Failure to give a written receipt or work order to customer, or to list required information on work order | 2 months | 4 months | 1 year |
| (x) Failure to satisfy monetary penalties for violations of Chapter 177 (relating to emission inspection program) within 90 days of notification | Suspension until amount due is paid | 2 months or until amount due is paid, whichever is greater | 6 months or until amount due is paid, whichever is greater |
| | * * * * | * | |

Subchapter E. PASSENGER CARS AND LIGHT TRUCKS

§ 175.66. Lighting and electrical systems.

* * * * *

(1) *Auxiliary driving lamps and fog lamps.* Auxiliary driving lamps and fog lamps may be installed on a passenger vehicle or light truck if the lamps comply with the following:

(1) Auxiliary driving lamps may not be substituted for headlamps. Auxiliary driving lamps may only be used with high headlamp beams.

(2) Fog lamps may not be substituted for headlamps.

(3) Auxiliary driving lamps and fog lamps shall be mounted on the front, spaced at least 20 inches apart from center to center and at height not more than 42 inches above level surface upon which the vehicle stands nor lower than the lowest chassis part. Rear fog lamps, if originally installed or offered as optional equipment, are acceptable.

(4) Auxiliary driving lamps and fog lamps shall be aimed when the vehicle and lamp assembly are in the straight ahead position with the beam not above horizontal centerline of lamp at 25 feet.

(5) A vehicle specified under this subchapter may have only one pair of approved auxiliary driving lamps and fog lamps.

(6) Auxiliary driving lamps and fog lamps may not be placed in front of a required lamp.

(7) Auxiliary driving lamps may not be used on snowplows as a substitute for headlamps obscured by blade. A substitute for headlamps used on the vehicle shall be complete, approved headlamps having both high and low beams.

(8) Snowplow lamps shall be installed as follows:

(i) These lamps shall be wired through a double throw switch so that both sets of lights will not operate at same time.

(ii) Snowplow lamps shall be aimed so that the high intensity beam does not project to the left of the extreme left side of the vehicle nor higher than the center of the lamp at a distance of 25 feet in front of the vehicle. In no case shall the high intensity portion of a beam be higher than 42 inches above the level upon which the vehicle stands at a distance of 75 feet ahead. Lamps shall be spaced at a distance of not less than 20 inches apart and shall be symmetrically located on each side of the vehicle centerline.

(9) In accordance with 75 Pa.C.S. § 4303(f) (relating to general lighting requirements), roof or roll bar mounted off-road lights may be installed if they are not used on a highway or trafficway and are covered with an opaque covering at all times while operating on the highway or trafficway. Vehicles equipped with roof or roll bar mounted off-road lights shall have a switch that indicates to the driver, through the use of a pilot light, that the lights are on when so switched.

(10) White or clear cargo lamps are permitted if available as original equipment or installed in a manner which expressly illuminates the cargo area of a multipurpose passenger vehicle, truck or bus.

(11) Guidance laser systems used during highway maintenance operations, such as line painting and snow plowing, are authorized if they comply with 21 CFR

1040.10 (relating to laser products) for Class IIIa laser products and Occupational Health and Safety Administration Standard 1926.54 and are installed and operated in accordance with manufacturer's requirements. Guidance laser systems may not emit red or blue light visible to other motorists.

(m) *Antique vehicle lighting exemption.* An antique vehicle, if operated exclusively between the hours of sunrise to sunset and not during periods of reduced visibility or insufficient illumination, is exempt from requirements of this section except requirements pertaining to stop lamps.

(n) *Battery fastening.* A vehicle specified under this subchapter shall be equipped with a system specifically designed for the secure fastening of the battery.

§ 175.78. Chassis.

(a) *Condition of chassis.* All items on the chassis shall be in safe operating condition as described in § 175.80 (relating to inspection procedure).

(b) *Vehicle frame.* A vehicle frame shall be in solid condition.

(c) *Motor mounts.* Motor mounts may not be broken, cracked or missing.

(d) *Flooring and floor beds.* Flooring and floor beds shall be of a construction to support occupants and cargo which the vehicle is capable of carrying and may not have openings through which exhaust gases could enter passenger compartment.

(e) *Bumpers.* A vehicle specified under this subchapter shall be equipped with bumpers of a type used as original equipment, or suitable replacement which is equal to or greater in strength than that provided by the vehicle manufacturer, securely attached to the chassis or frame. See 75 Pa.C.S. § 4536 (relating to bumpers).

(1) A bumper shall be of at least equivalent strength and mounting as the original equipment.

(2) No portion of a bumper may be broken, torn or protruding to create a hazard.

(3) A bumper may not extend beyond the body line or be longer than original equipment, whichever is greater.

(4) A wood plank bumper is permitted on a road service truck or wrecker if it is firmly attached to a regular bumper or equivalent steel backing.

(5) Some part of the main horizontal bumper bar on passenger vehicles shall fall within 16-20 inches above ground level.

(6) Some part of the main horizontal bumper bar on multipurpose passenger vehicles and light trucks shall fall within 16-30 inches above ground level.

(f) *Seats.* A vehicle specified under this subchapter shall be equipped with a seat for an operator which is firmly anchored to the frame or a support.

(1) Metal springs may not protrude from the driver's seat.

(2) A seat adjusting mechanism may not move from a set position when so adjusted.

(g) *Safety belts.* A vehicle specified under this subchapter shall be equipped with safety belts of a type used as original equipment securely attached to the frame or structure. If attached to sheet metal, they shall have backing plates.

(1) Safety belt webbing may not be frayed.

(2) Belt buckles shall operate properly.

(h) *Body mounts.* Body mounts may not be broken, cracked, deteriorated or missing.

§ 175.80. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct the error or transposition.

* * * * *

(*Editor's Note:* The effective date of § 175.80(a)(5)(v) was postponed indefinitely in the final-form rulemaking published at 33 Pa.B. 5823 (November 29, 2003). This final-form rulemaking gives effect to this subparagraph.)

(5) Check outside mirrors and reject if one or more of the following apply:

- (i) The mirror is cracked, broken or discolored.
- (ii) The mirror will not hold adjustment.
- (iii) A vehicle does not have rearview mirrors as originally equipped by the manufacturer.

(iv) Outside rearview mirrors, with a minimum reflective surface as described in § 175.68 (relating to mirrors), are not installed on both sides of the vehicle if a certificate of exemption for a sun screening device or other material has been issued by the Department. See § 175.264 (relating to mirrors). A vehicle for which a certificate of exemption has been issued for medical reasons may be equipped with only a left outside rearview mirror, unless originally equipped with an outside rearview mirror on both sides of the vehicle.

(v) The mirrors, if originally so equipped, are missing.

* * * * *

(7) Check the flooring and floor beds and reject if one or more of the following apply:

- (i) They are not in a condition to support the occupants and cargo.
- (ii) The floor pan is rusted through so as to cause hazard to occupants or to permit exhaust gases to enter passenger compartment.

(*Editor's Note:* The effective date of § 175.80(a)(8)(iii) and (iv) was indefinitely postponed in the final-form

rulemaking published at 33 Pa.B. 5823. This final-form rulemaking gives effect to these subparagraphs.)

(8) Check the bumpers and reject if one or more of the following apply:

(i) The bumper, if required as original equipment, is not on the vehicle.

(ii) The bumpers are not firmly attached to the frame or chassis.

(iii) Some part of the main horizontal bumper bar on passenger vehicles does not fall within 16-20 inches above ground level.

(iv) Some part of the main horizontal bumper bar on multipurpose passenger vehicles and light trucks does not fall within 16-30 inches above ground level.

(v) A broken or torn portion is protruding so as to create hazard.

(vi) The bumpers extend beyond body line or are longer than originally equipped, whichever is greater.

* * * * *

(b) *Internal inspection.* An internal inspection shall be performed as follows:

* * * * *

(*Editor's Note:* The effective date of § 175.80(b)(7)(iv) was postponed indefinitely in the final-form rulemaking published at 33 Pa.B. 5823. This final-form rulemaking gives effect to this subparagraph.)

(7) Check the inside mirror and reject if one or more of the following apply:

- (i) The mirror is cracked, broken or discolored.
- (ii) The mirror will not hold adjustment.
- (iii) An object or material is hung from or blocking inside mirror.
- (iv) The mirror, if originally so equipped, is missing.

* * * * *

(e) *Beneath the vehicle inspection.* A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xxi) Spacers over 1/4 inch in thickness are used to increase wheel track.

(xxii) A tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating.

(2) Inspect the steering system and reject if one or more of the following apply:

* * * * *

Subchapter F. MEDIUM AND HEAVY TRUCKS, AND BUSES

§ 175.96. Lighting and electrical systems.

* * * * *

(g) *Condition and position of lamps.* Lamps shall be properly fastened; direct light properly; be of a color not contrary to Tables II—IV; and may not be obstructed by a screen, bar, auxiliary equipment or a device so as to obscure, change the color of or obstruct the beam. Exception: A bus used for public transportation may be equipped with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycle, does not extend more than 36 inches.

* * * * *

(1) *Auxiliary driving lamps and fog lamps.* Auxiliary driving lamps and fog lamps may be installed on a medium or heavy truck and bus if the lamps comply with the following:

(1) Auxiliary driving lamps may not be substituted for headlamps. Auxiliary driving lamps may only be used with high headlamps beams.

(2) Fog lamps are not permitted to be substituted for headlamps.

(3) Auxiliary driving lamps and fog lamps shall be mounted on the front, spaced at least 20 inches apart from center to center and at a height not more than 42 inches above the level surface upon which the vehicle stands, nor lower than the lowest chassis part. Rear fog lamps, if originally installed or offered as optional equipment are acceptable.

(4) Auxiliary driving lamps and fog lamps shall be aimed when the vehicle and lamp assembly are in the straight ahead position with the beam not above the horizontal centerline of the lamp at 25 feet.

(5) A vehicle specified under this subchapter may have only one pair of approved auxiliary driving lamps and fog lamps.

(6) Auxiliary driving lamps and fog lamps may not be placed in front of a required lamp.

(7) Auxiliary driving lamps may not be used on snowplows as a substitute for headlamps obscured by blade. A substitute for headlamps used on these vehicles shall be complete, approved headlamps having both high and low beams.

(8) Snowplow lamps shall be installed as follows:

(i) These lamps shall be wired through a double throw switch so that both sets of lights will not operate at same time.

(ii) Snowplow lamps shall be aimed so that the high intensity beam does not project to the left of the extreme left side of the vehicle, nor higher than the center of the lamp at a distance of 25 feet in front of vehicle. In no case shall the high intensity portion of a beam be higher than 42 inches above the level upon which vehicle stands at a distance of 75 feet ahead. The lamps shall be spaced at a distance of not less than 20 inches apart and shall be symmetrically located on each side of the vehicle centerline.

(9) In accordance with 75 Pa.C.S. § 4303(f), roof or roll bar mounted off-road lights may be installed if they are not used on a highway or trafficway and are covered with an opaque covering at all times while operating on the highway or trafficway. Vehicles equipped with roof or roll bar mounted off-road lights shall have a switch that indicates to the driver, through the use of a pilot light, that the lights are on when so switched.

(10) White or clear cargo lamps are permitted if available as original equipment or installed in a manner which expressly illuminates the cargo area of a truck or bus.

(11) Guidance laser systems used during highway maintenance operations, such as line painting and snow plowing are authorized if they comply with 21 CFR 1040.10 (relating to laser products) for Class IIIa laser products and Occupational Health and Safety Administration Standard 1926.54 and are installed and operated in accordance with manufacturer's requirements. Guidance laser systems may not emit red or blue light visible to other motorists.

(m) *Antique vehicle lighting exemption.* An antique vehicle, if operated exclusively between the hours of sunrise to sunset and not during periods of reduced visibility or insufficient illumination, is exempt from the requirements of this section, except requirements pertaining to stop lamps.

(n) *Battery fastening.* A vehicle specified under this subchapter shall be equipped with a system specifically designed for the secure fastening of the battery.

§ 175.105. Exhaust systems.

(a) *Condition of exhaust system.* All components of the exhaust system shall be in safe operating condition as described in § 175.110 (relating to inspection procedure).

(b) *Exhaust system requirements.* A vehicle specified under this subchapter shall be constructed, equipped, maintained and operated to prevent engine exhaust gases from penetrating and collecting in any part of the vehicle occupied by the driver or a passenger, in addition to the requirements of this title for emission control systems and smoke control for a diesel-powered vehicle.

(1) A vehicle specified under this subchapter shall be equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. A muffler or exhaust system may not be equipped with a cutout, bypass or similar device, and a muffler may not show evidence of external repair.

(2) The exhaust system of a vehicle may not be modified in a manner which will amplify or increase noise emitted by the motor of a vehicle above the maximum level permitted by Chapter 157 (relating to established sound levels).

(3) Headers and side exhaust are permitted if the vehicle meets the requirements of this section.

(4) An exposed exhaust system shall be equipped with an adequate heat shield or protective system.

(5) An exhaust system shall extend and discharge completely to the outside edge of the vehicle body, including a truck bed, or as originally designed, except for the following:

(i) *Gasoline powered buses, including school buses.* The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus.

(ii) *Buses, including school buses, powered by fuels other than gasoline.* The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits.

(c) *Exemption.* A firefighting vehicle is exempt from this section.

§ 175.110. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealer's acquisition of the vehicle, or both, may be pre-

sented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct the error or transposition.

* * * * *

(9) Check the lamps and lenses and reject if one or more of the following apply:

* * * * *

(ix) The auxiliary equipment is placed on, in or in front of a lamp. Exception: A bus used for public transportation may be equipped with a device used to carry pedalcycles mounted on the front of the bus if the device, including the pedalcycle, does not extend more than 36 inches.

* * * * *

(d) *Beneath the vehicle inspection.* A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xxi) A tire makes contact with the body or chassis.

(xxii) A tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating.

(2) Inspect the steering system and reject if one or more of the following apply:

* * * * *

(6) Inspect the exhaust system and reject if one or more of the following apply:

* * * * *

(viii) The exhaust does not discharge to the outside edge of the vehicle body, including a truck bed, or as originally designed, except for the following:

(A) *Gasoline powered buses, including school buses.* The exhaust system of a bus powered by a gasoline engine shall discharge to the atmosphere at or within 6 inches forward of the rearmost part of the bus.

(B) *Buses, including school buses, powered by fuels other than gasoline.* The exhaust system of a bus using fuels other than gasoline shall discharge to the atmosphere either at or within 15 inches forward of the rearmost part of the vehicle; or to the rear of all doors or windows designed to be opened, except windows designed to be opened solely as emergency exits.

(7) Inspect the braking system and remove at least one front and one opposite rear wheel. It is not necessary to remove the wheel and drum assembly if there is a removable backing plate that allows examination of the brake system. Reject if one or more of the following apply:

* * * * *

Subchapter G. RECREATIONAL, SEMI AND UTILITY TRAILERS

§ 175.130. Inspection procedure.

(a) *External inspection.* An external inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct the error or transposition.

* * * * *

(c) *Beneath the vehicle inspection.* A beneath the vehicle inspection of a trailer over 3,000 pounds registered gross weight shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(ix) A tire extends beyond body line, a tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

* * * * *

Subchapter H. MOTORCYCLES

§ 175.143. Steering.

* * * * *

(d) *Handlebars.* Nothing in this subchapter prohibits a motorcycle from being equipped with a steering wheel instead of handlebars.

(1) The handlebars or steering system shall be of a sturdy construction adequate in size and length to provide proper leverage for steering and capable of withstanding a minimum force of 100 pounds applied to each handle grip in any direction.

(2) The handlebars or steering system shall be designed so as not to restrict front fork movement and shall be capable of vertical adjustments.

(3) The handlebar design shall provide a minimum of 18 inches between ends, after final assembly.

(4) The handlebars shall be equipped with grips of nonslip design and materials.

§ 175.146. Lighting and electrical systems.

* * * * *

(h) *Ornamental lamps.* A lamp not enumerated in this section, and not located as described in Tables III—V of this chapter, is prohibited unless it is available as original equipment or is auxiliary lighting added to a motorcycle to protect the driver as permitted by 75 Pa.C.S. § 4310 (relating to motorcycle lighting). An illuminated sign is prohibited. Flashing or revolving lights are not ornamental lamps. Provisions relating to flashing or revolving lights are located in Chapters 15 and 173 (relating to authorized vehicles and special operating privileges; and flashing or revolving lights on emergency and authorized vehicles).

* * * * *

§ 175.160. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct the error or transposition.

* * * * *

(c) *Beneath the vehicle inspection.* A beneath the vehicle inspection shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xiv) A tire extends beyond body line, any tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

(2) Inspect the steering system and reject if one or more of the following apply:

(i) The front wheel geometry of a motorcycle with a single front wheel does not meet the following specifications as to rake and trail:

(A) Maximum rake: 45 degrees; maximum trail: 14 inches positive.

(B) Minimum rake: 20 degrees; minimum trail: 2 inches positive.

(ii) The handlebars or steering system of each motorcycle are not of sturdy construction.

(iii) The handlebars or steering system restrict front fork movement.

(iv) The handlebars do not provide a minimum of 18 inches between grip ends. If equipped with a steering wheel instead of handlebars, the steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has an outside diameter less than 13 inches.

(v) The handlebars are not equipped with grips of nonslip design and material.

(vi) The measured movement at the front or rear of the tire is greater than 1/4 inch in relation to the axle shaft.

(vii) The linkage components are not secured with cotter pins or other suitable devices.

(viii) The steering stops allow a tire to rub on the frame or chassis parts.

(ix) The front wheel is incapable of being turned to the right and left steering stops without binding or interference.

(3) Inspect the suspension system and reject if any of the following apply:

* * * * *

**Subchapter J. MOTOR-DRIVEN CYCLES AND
MOTORIZED PEDALCYCLES**

§ 175.172. Steering.

(a) *Condition of steering components.* The steering assembly and steering mechanism shall be in safe operating condition as described in § 175.190 (relating to inspection procedure).

(b) *Steering head.* The steering head shall be provided with a bearing or similar device allowing the steering shaft to turn freely in a rotating fashion.

(c) *Handlebars.* Nothing in this subchapter prohibits a motor-driven cycle or pedalcycle from being equipped with a steering wheel instead of handlebars.

(1) The handlebars or steering system shall be of a sturdy construction adequate in size and length to provide proper leverage for steering and capable of withstanding a minimum force of 100 pounds applied to each handle grip in any direction.

(2) The handlebars or steering system shall be designed so as not to restrict front fork movement and shall be capable of vertical adjustment.

(3) The handlebar design shall provide a minimum of 18 inches between ends, after final assembly.

(4) The handlebars shall be equipped with grips of nonslip design and materials.

§ 175.174. Tires and wheels.

(a) *Condition of tires and wheels.* Tires and wheels shall be in safe operating condition as described in § 175.190 (relating to inspection procedure).

(b) *Tire conditions.* The tires may not bear a marking or condition which may render the tire unsafe for highway use. The tires must be free of partial exposure of ply or cord; blow-out patches; bumps, bulges or separation; and regrooving and recutting below the original tread design depth.

(c) *Tire standards.* A vehicle specified under this subchapter shall have tires manufactured in conformance with standards in Chapter 159 (relating to new pneumatic tires). See 75 Pa.C.S. § 4525 (relating to tire equipment and traction surfaces). Tires with equivalent metric size designations may be used.

(d) *Nonpneumatic tires.* No vehicle specified under this subchapter operated on highway shall be equipped with nonpneumatic tires.

(e) *Ice grips or studs.* No tire shall be equipped with ice grips or tire studs of wear-resisting material which have projections exceeding 2/32 inch beyond the tread of the traction surface of the tire.

(f) *Antique vehicle pneumatic tire exemption.* An antique vehicle may be equipped with nonpneumatic tires if originally equipped by the manufacturer.

(g) *Wheel conditions.* The wheels shall conform to the manufacturer's specifications and may not be bent, cracked, welded or damaged so as to affect safe operating conditions. The wheels shall be free of missing and loose studs and bolts or an improper thread engagement.

§ 175.175. Lighting and electrical systems.

* * * * *

(h) *Ornamental lamps.* A lamp not enumerated in this section, and not located as described in Tables III—V of this chapter, is prohibited unless it is available as original equipment or is auxiliary lighting added to a motorcycle to protect the driver as permitted by 75 Pa.C.S. § 4310 (related to motorcycle lighting). An illuminated sign is prohibited. Flashing or revolving lights are not ornamental lamps. Provisions relating to flashing or revolving lights are located in Chapters 15 and 173 (relating to authorized vehicles and special operating privileges; and flashing or revolving lights on emergency and authorized vehicles).

* * * * *

§ 175.190. Inspection procedure.

(a) *External inspection.* An external inspection of motor-driven cycles only shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the appropriate Department form has been completed to correct the error or transposition.

* * * * *

(c) *Beneath the vehicle inspection.* A beneath the vehicle inspection of motor-driven cycles only shall be performed as follows:

(1) Inspect the tires and wheels and reject if one or more of the following apply:

* * * * *

(xiii) A tire extends beyond body line, a tire is smaller than the manufacturer's recommended minimum size or below the manufacturer's recommended load rating or a tire makes contact with the body or chassis.

(2) Inspect the steering system and reject if one or more of the following apply:

(i) The handlebars, grips or steering system are not of sturdy construction.

(ii) The handlebars or steering system restrict the front fork movement.

(iii) The handlebars do not provide a minimum of 18 inches between the grip ends. If equipped with a steering wheel instead of handlebars, the steering wheel, except if specially designed for handicapped drivers, is not circular or equivalent in strength to original equipment or has an outside diameter less than 13 inches.

(iv) The handlebars are not equipped with grips of nonslip design and material.

(v) Measured movement at the front or rear of the tire is greater than 1/4 inch in relation to the axle shaft.

(vi) The linkage components are not secured with cotter pins or other suitable devices.

(vii) The steering stops allow a tire to rub on the frame or chassis parts.

(viii) The front wheel is incapable of being turned to the right and left steering stops without binding or interference.

(3) Inspect the vehicle frame and reject if any of the following apply:

* * * * *

Subchapter K. STREET RODS, SPECIALLY CONSTRUCTED AND RECONSTRUCTED VEHICLES

§ 175.208. Body.

(a) *Condition of body.* All items on the body shall be in safe operating condition as described in §§ 175.80, 175.110, 175.130, 175.160, 175.190 and 175.220 (relating to inspection procedure) and this subchapter.

(b) *Fenders.* A vehicle specified under this subchapter shall have fenders on all wheels which cover the entire tread width of a tire that comes in contact with the road surface. The tire tread circumference coverage shall be from at least 15 degrees front to at least 75 degrees rear of the vertical centerline at each wheel, measured from the center of wheel rotation. Vehicles registered as street rods are exempt from the requirements regarding fenders.

(c) *Hood—street rods only.* A street rod is not required to have a hood which covers the top of the entire engine compartment. If the hood top or sides, or both, are removed from the vehicle, the engine fan must be enclosed with a shroud designed to protect the fan from accidental contact from the outside.

(d) *Doors.* A door shall be installed for any location from which a refuse truck is to be operated. If the vehicle is equipped with dual controls, a door shall be installed at each control position.

§ 175.209. Chassis.

(a) *Condition of chassis.* All items of a chassis shall be in safe operating condition as described in this subchapter and Subchapters E—H and J.

(b) *Bumpers.* A vehicle specified under this subchapter shall be equipped with front and rear bumpers securely attached to the chassis, except when the original body configuration provided by a recognized manufacturer did

not include bumpers in the design of the vehicle. Vehicles registered as street rods are exempt from the requirements regarding bumpers.

(1) Some part of the main horizontal bumper of a passenger vehicle and all street rods, if so equipped, shall fall within 12-20 inches above ground level.

(2) Some part of the horizontal bumper of a truck shall fall within 16-30 inches above ground level.

(c) *Scrub line.* A vehicle specified under this subchapter shall meet the minimum scrub line requirements. See Chart 5 (relating to scrub line).

(1) A scrub line is an imaginary surface created if lines were drawn from the bottom of the wheel rim on one side to the bottom of the tire on the other side. When lines are drawn from both sides, an "X" under the vehicle suspension is created. A suspension or chassis component may not be below the top portion of this imaginary "X."

(2) Only exhaust systems and sheet metal may extend below the scrub line.

§ 175.220. Inspection procedure.

(a) *External inspection.* An external inspection shall be performed as follows:

(1) Verify ownership, legality and proof of financial responsibility. For the purpose of this subchapter, ownership and legality shall be proven by a vehicle registration card, certificate of title or manufacturer's statement of origin. When a vehicle being held for resale is presented for inspection by a dealer licensed to sell vehicles in this Commonwealth, a VIN-specific auction slip or VIN-specific secure power of attorney evidencing the dealership's acquisition of the vehicle, or both, may be presented instead of a vehicle registration card, certificate of title or manufacturer's statement of origin. Reject if one or more of the following apply:

(i) When vehicle ownership and legality are demonstrated by presentation of certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney:

(A) The VIN is not in agreement with the certificate of title, manufacturer's statement of origin, VIN-specific auction slip or VIN-specific secure power of attorney. Exception: If only one digit is incorrect or two digits are transposed, and the owner provides evidence that the

appropriate Department form has been completed to correct the error or transposition.

* * * * *

(3) With the exception of vehicles registered as street rods, check the fenders and reject if one or more of the following apply:

(i) The fenders do not cover the entire tire tread width of tire that comes in contact with the road surface.

(ii) The front tire tread circumference coverage is less than 15° to the front and 75° to the rear of each tire.

(iii) The rear tire tread circumference coverage is less than 75°.

(4) With the exception of vehicles registered as street rods, check the bumpers and reject if one or more of the following apply:

(i) The front or rear bumper is missing.

(ii) Some part of the main horizontal bumper does not fall within 12-20 inches above the ground level on specially constructed vehicles and reconstructed passenger vehicles.

(5) Check the lights and reject if the vehicle does not have operating hazard warning lamps capable of being seen and distinguished during nighttime operations at a distance of 500 feet.

(b) *Internal inspection.* An internal inspection shall be performed as follows:

(1) Check the mirrors and reject if the mirrors for the operator are insufficient to view front and both sides and rear of vehicle for distance not less than 200 feet.

(2) Check the unconventional operation location and reject if all the major controls and switches are not conveniently located for use by the driver while in an unconventional operating position.

(c) *Under the hood inspection.* An under the hood inspection shall be performed as follows:

(1) Check the engine compartment and reject if the street rod hood top or sides, or both, are removed from the vehicle and the engine fan is not enclosed with a shroud designed to protect the fan from accidental contact from the outside.

* * * * *

[Pa.B. Doc. No. 13-1984. Filed for public inspection October 25, 2013, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 107]

Pennsylvania Preferred Trademark Licensure Program

The Department of Agriculture (Department) proposes to add Chapter 107 (relating to Pennsylvania Preferred Trademark Licensure Program) to read as set forth in Annex A.

The proposed rulemaking would establish the standards under which the Department would license qualified entities to make use of the Pennsylvania Preferred® trademark to promote or market Pennsylvania-produced fluid milk, that is, fluid milk that is entirely produced within this Commonwealth. Proposed Chapter 107 will replace interim guidelines for the Pennsylvania Preferred Trademark Licensure Program (Program) published at 42 Pa.B. 2752 (May 19, 2012), which expire no later than December 31, 2013.

“Fluid milk” consists of milk, skimmed milk, cream, sour milk, buttermilk and other fluid derivatives of milk. The entities that will qualify for the referenced licenses are persons who produce or process Pennsylvania-produced fluid milk or that promote or market Pennsylvania-produced fluid milk from this type of processor.

Authority

This proposed rulemaking is authorized under 3 Pa.C.S. §§ 4601—4611 (relating to Pennsylvania Preferred Act) (act). Section 4611 of the act (relating to rules and regulations) requires the Department to promulgate rules and regulations necessary to promote the efficient, uniform and Statewide administration of the act. Section 4611 of the act authorizes the use of interim guidelines through December 31, 2013.

Need for the Proposed Rulemaking

The Department proposes to add Chapter 107 to replace the interim guidelines for the Program, which expire no later than December 31, 2013.

Section 4606(a)(4) of the act (relating to trademark license agreement, application and licensure process) provides the Department the discretion to determine whether a person is a qualified entity eligible to be licensed to make use of the Pennsylvania Preferred® trademark. Section 4604(2)(iii) of the act (relating to licensee qualification) requires the Department to consider the extent to which the agricultural commodity with respect to which the Pennsylvania Preferred® trademark would be used is “to the maximum extent possible given production season restrictions or market availability . . . a Pennsylvania-produced agricultural commodity.”

Dairy producers in this Commonwealth produce fluid milk in quantities that exceed the year-round needs of milk processors and milk consumers in this Commonwealth. Surplus Pennsylvania-produced fluid milk supply generally remains available on the Pennsylvania market throughout the year. Against this backdrop, proposed Chapter 107 prohibits (with several exceptions) the use of the Pennsylvania Preferred® trademark with respect to fluid milk that is not entirely Pennsylvania-produced fluid milk.

Proposed Chapter 107 acknowledges that there may be exceptions to this prohibition, such as when there is a Statewide shortage of fluid milk or when a processor commingles Pennsylvania-produced fluid milk with other fluid milk on an incidental, emergency or short-term-basis.

To date, four dairy operations or dairy processors that produce or process Pennsylvania-produced fluid milk are licensed by the Department to use the Pennsylvania Preferred® trademark in connection with that milk. The Pennsylvania Preferred® trademark is a recognizable standard of Pennsylvania origin and product quality, making products that bear that trademark more attractive in the marketplace.

Summary of the Proposed Rulemaking

The proposed rulemaking replaces and restates the Department’s current interim guidelines for the Program, which took effect on May 19, 2012, and expire no later than December 31, 2013.

Dairy producers in this Commonwealth produce fluid milk in quantities that exceed the year-round needs of milk processors and milk consumers in this Commonwealth. This surplus of Pennsylvania-produced fluid milk supply generally remains available on the Pennsylvania market throughout the year. Against this backdrop, proposed Chapter 107 prohibits, with several exceptions, the use of the Pennsylvania Preferred® trademark with respect to fluid milk that is not entirely Pennsylvania-produced fluid milk.

Proposed Chapter 107 acknowledges that there may be exceptions to the previously-described prohibition, such as when there is a Statewide shortage of fluid milk or when a processor commingles Pennsylvania-produced fluid milk with other fluid milk on an incidental, emergency or short-term-basis.

Proposed § 107.2 (relating to definitions) repeats several defined terms from the act and defines “fluid milk” and “Pennsylvania-produced fluid milk.”

Proposed § 107.3 (relating to licensure of the Pennsylvania Preferred trademark with respect to fluid milk) states the Department’s determination that there is an adequate supply of Pennsylvania-produced fluid milk and establishes the standards under which the Department will license the use of the Pennsylvania Preferred® trademark for use in marketing Pennsylvania-produced fluid milk.

Persons Likely to be Affected

The proposed rulemaking is not expected to have an adverse impact on any group or entity.

Any impact of the proposed rulemaking will be positive and be upon those producers or processors of Pennsylvania-produced fluid milk that elect to be licensed by the Department to make use of the Pennsylvania Preferred® trademark. The fluid milk marketed under this trademark is expected to be more attractive in the marketplace. The trademark is an increasingly well-known identifier of Pennsylvania origin and product quality. Although the use of the trademark should make the fluid milk more attractive in the marketplace, if a licensee feels it is not benefitting from the use of the trademark it may discontinue the use of that trademark at any time.

Fiscal Impact
Commonwealth

The proposed rulemaking will not have appreciable fiscal impact upon the Commonwealth.

Political subdivisions

The proposed rulemaking will not have appreciable fiscal impact on political subdivisions.

Private sector

The proposed rulemaking will not have appreciable fiscal impact upon the private sector. Eligible producers or processors of Pennsylvania-produced fluid milk who wish to obtain a license from the Department allowing the use of the Pennsylvania Preferred® trademark in marketing Pennsylvania-produced fluid milk are free to apply for that license and are free to discontinue use of that trademark at any time.

General public

The proposed rulemaking will not have appreciable fiscal impact on the general public.

Paperwork Requirements

The proposed rulemaking will not result in an appreciable increase in the paperwork handled by the Department. The Department has current license agreements with four producers or processors of Pennsylvania-produced fluid milk, authorizing each to make commercial use of the Pennsylvania Preferred® trademark. Since the proposed rulemaking does not require the Department to revise or redo these current trademark license agreements, the impact of the proposed rulemaking on paperwork will be minimal or nonexistent.

Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Sunset Date

There is not a sunset date for the proposed rulemaking. The Department will review the efficacy of the regulations on an ongoing basis.

Public Comment Period/Contact Person

Interested persons are invited to submit written comments regarding the proposed rulemaking within 30 days following publication in the *Pennsylvania Bulletin*. Comments are to be submitted to the Department of Agriculture, Bureau of Market Development, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Lela Reichart, Director.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 11, 2013, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Standing Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department,

the General Assembly and the Governor of comments, recommendations or objections raised.

GEORGE D. GREIG,
Secretary

Fiscal Note: 2-177. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART IV. BUREAU OF MARKET DEVELOPMENT

**CHAPTER 107. PENNSYLVANIA PREFERRED
TRADEMARK LICENSURE PROGRAM**

| Sec. | Purpose. |
|--------|---|
| 107.1. | Purpose. |
| 107.2. | Definitions. |
| 107.3. | Licensure of the Pennsylvania Preferred trademark with respect to fluid milk. |

§ 107.1. Purpose.

This chapter describes the circumstances under which the Department will license third parties to use the Pennsylvania Preferred trademark with respect to fluid milk; establishes standards and procedures to promote the efficient, uniform and Statewide administration of the act; and clarifies the conditions under which a person who produces or markets milk is a qualified entity for purposes of the act.

§ 107.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—3 Pa.C.S. §§ 4601—4611 (relating to Pennsylvania Preferred Act).

Department—The Department of Agriculture of the Commonwealth.

Fluid milk—Milk, skimmed milk, cream, sour milk, buttermilk and other fluid derivatives of milk. The term includes milk from hooved mammal species.

Licensee—A qualified entity that is subject to a current Pennsylvania Preferred trademark license agreement with the Department.

Pennsylvania Preferred trademark—One or more trademarks that consist of the phrase “Pennsylvania Preferred” or “PA Preferred” that may include specific graphic designs or artwork as part of the trademark registration.

Pennsylvania-produced fluid milk—Fluid milk that is entirely produced within this Commonwealth.

Person—An individual, partnership, corporation, association or other legal entity.

Qualified entity—A person that produces, processes, prepares, sells, offers for sale, markets, promotes or is involved with any aspect of production, processing, preparation, promotion, marketing, sale or offering for sale of Pennsylvania-produced agricultural commodities.

§ 107.3. Licensure of the Pennsylvania Preferred trademark with respect to fluid milk.

(a) *General availability of Pennsylvania-produced fluid milk.* Fluid milk is an agricultural commodity that is, in general, produced by dairy producers in this Commonwealth in quantities that exceed the year-round needs of milk processors and milk consumers in this Commonwealth. Surplus Pennsylvania-produced fluid milk supply generally remains available on the market in this Commonwealth throughout the year.

(b) *Eligibility.*

(1) A person that processes Pennsylvania-produced fluid milk or that promotes or markets Pennsylvania-produced fluid milk from this type of processor is a qualified entity that is eligible to apply to be licensed by the Department to use the Pennsylvania Preferred trademark with respect to that Pennsylvania-produced fluid milk. Examples of fluid milk with respect to which this license may be granted include the following Pennsylvania-processed or Pennsylvania-produced items:

- (i) Whole milk.
- (ii) Reduced fat milk.
- (iii) Skim milk.
- (iv) Flavored milk.
- (v) Cream.
- (vi) Buttermilk.
- (vii) Half-and-half.
- (viii) Other beverages comprised in whole or in part of fluid milk.
- (ix) Other fluid derivatives of milk.

(2) A person that processes fluid milk that is not Pennsylvania-produced fluid milk, or that promotes or markets fluid milk from this type of processor, is not a qualified entity and is not eligible to apply to be licensed by the Department to use the Pennsylvania Preferred trademark with respect to this milk.

(3) Except as provided in subsection (c) or (d), fluid milk marketed under the Pennsylvania Preferred trademark may not be commingled with fluid milk produced outside this Commonwealth.

(c) *Short Statewide supply exception.* Subsections (a) and (b) notwithstanding, if the Department determines that the available supply of Pennsylvania-produced fluid milk is not generally available as described in subsection (a), the Department will publish a notice in the *Pennsylvania Bulletin* to designate a time period, not to exceed 1 year, within which the Department may license the Pennsylvania Preferred trademark with respect to fluid milk that is not entirely Pennsylvania-produced fluid milk.

(d) *Incidental, emergency or short-term commingling exception.*

(1) Subsections (a) and (b) notwithstanding, a person that is licensed by the Department to use the Pennsylvania Preferred trademark with respect to Pennsylvania-produced fluid milk may, on an incidental, emergency or short-term basis, commingle Pennsylvania-produced fluid milk with other fluid milk provided that the licensee maintains a record of the commingling, including the dates and the quantities of Pennsylvania-produced fluid milk other fluid milk commingled. The records shall be retained by the licensee for the current month and each of the preceding 12 months and be made available for inspection by the Department upon written or verbal request of the Department.

(2) The Department may review the referenced records and determine whether the commingling is acceptable under paragraph (1). If the commingling was not acceptable, the Department will provide the licensee a written warning to refrain from commingling again. The Department may terminate the license if unacceptable commingling occurs a second time.

(3) If a person that is licensed by the Department to use the Pennsylvania Preferred trademark with respect to Pennsylvania-produced fluid milk seeks to commingle Pennsylvania-produced fluid milk with other fluid milk, he may, before the commingling occurs, contact the Department as described in paragraph (1) for confirmation as to whether the proposed commingling is acceptable to the Department.

[Pa.B. Doc. No. 13-1985. Filed for public inspection October 25, 2013, 9:00 a.m.]

PENNSYLVANIA HIGHER EDUCATION ASSISTANCE AGENCY

[22 PA. CODE CH. 121]
Student Financial Aid

The Pennsylvania Higher Education Assistance Agency (PHEAA), State Grant and Special Programs (SGSP), proposes amended Chapter 121 (relating to student financial aid) to read as set forth in Annex A.

A. *Statutory Authority*

This proposed rulemaking is authorized by section 6(e) of the act of January 25, 1966 (P. L. 1546, No. 541) (24 P. S. § 5156).

B. *Background and Description of Proposed Rulemaking*

The purpose of this proposed rulemaking is to update the regulations to conform to current practice. PHEAA is proposing to amend provisions that are obsolete, inconsistent or superseded by current higher education practice. References to obsolete subdivisions are proposed to be deleted or replaced with current references. References to specific forms, some of which are outdated, are proposed to be deleted whenever possible.

Description of the Proposed Amendments

§ 121.1. *Definitions*

The proposed amendments to this section update the definition of “academic year” so that the ending date coincides with the end of final examinations. The definition of “college entrance examination” is proposed to be added to recognize the alternative examinations used by higher education institutions. The definition of “SAT” is proposed to be deleted because it is no longer the only recognized entrance examination. The definition of “veteran” is proposed to be amended to comply with current Federal standards.

§ 121.3. *Discrimination prohibited*

This section is proposed to be amended to update and make technical edits to delete the Federal student loan reference as it is no longer relevant to the SGSP.

§ 121.4. *Denial of eligibility to loan defaulters*

This section is proposed to be amended to make clarifying amendments to be inclusive of Federal, State and private loans.

§ 121.5. *Enrollment*

Outdated language is proposed to be deleted.

§ 121.7. *Notice of denial and preliminary review procedures*

This section is proposed to be amended to update and delete outdated language and references to outdated forms. The process is proposed to be simplified.

§ 121.8. *Applicant and recipient appeals and hearings*

This section is proposed to be amended to update and delete outdated language and references to outdated forms. The process is proposed to be simplified.

§ 121.21. *Requirements for higher education grant applicants*

This section is proposed to be amended to make clarifying amendments to reference the Pennsylvania Department of Education.

§ 121.22. *Early admission students*

This section is proposed to be amended to replace “senior high” school with more the current term “secondary” school.

§ 121.32. *Approved institution in higher education grant program*

This section is proposed to be amended to update language to reference current accrediting bodies. Clarifying amendments are proposed to reference the Pennsylvania Department of Education and to recognize the appropriate responsible persons in institutions of higher education.

§ 121.33. *Approved program of study in higher education grant program*

This section is proposed to be amended to make clarifying amendments referencing the Pennsylvania Department of Education and the Pennsylvania State Board of Private Licensed Schools.

§ 121.41. *Grouping of applicants*

This section is proposed to be amended to update the reference to Nationally-recognized college entrance examinations.

§ 121.44. *Required family financial data*

This section is proposed to be amended to update references to United States Department of Education criteria.

§ 121.47. *State Higher Education Grant Program Manual*

This section is proposed to be amended to increase transparency and update the reference to recognized accrediting bodies.

§ 121.48. *Limitation on payment of grants*

This section is proposed to be amended to make a clarifying amendment regarding deadlines for payments of grants.

§ 121.52. *Transferring an award*

This section is proposed to be amended to delete outdated language.

§ 121.55. *Recipients on probation*

This section is proposed to be amended to make a clarifying amendment to properly cross reference a related provision.

§ 121.58. *Academic progress*

This section is proposed to be amended to increase transparency regarding how progress is determined.

C. *Fiscal Impact and Paperwork Requirements*

The proposed rulemaking will not have adverse impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose additional paper-

work requirements upon the Commonwealth, its political subdivisions or the private sector.

D. *Sunset Date*

The PHEAA Board of Directors continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

E. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 22, 2013, PHEAA submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Education Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by PHEAA, the General Assembly and the Governor of comments, recommendations or objections raised.

F. *Public Comment*

On June 1, 2011, PHEAA solicited comments from financial aid administrators at all State Grant eligible post-secondary institutions in this Commonwealth and the Pennsylvania State Grant Advisory Committee. Substantive comments were not received.

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Legal and Compliance Services, Pennsylvania Higher Education Assistance Agency, P.O. Box 8147, Harrisburg, PA 17102-8147, czuzack@pheaa.org within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Pennsylvania Higher Education Grant Program when submitting comments.

G. *Effective Date*

This proposed rulemaking will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

JAMES L. PRESTON,

President and Chief Executive Officer

Fiscal Note: 58-24. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 22. EDUCATION

PART VIII. HIGHER EDUCATION ASSISTANCE AGENCY

CHAPTER 121. STUDENT FINANCIAL AID

Subchapter A. GENERAL PROVISIONS

MISCELLANEOUS

§ 121.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Academic year—A period that begins on the first day of classes [or] and ends on the last scheduled day of final examinations and that is a minimum of 30 weeks of

instructional time during which, for an undergraduate educational program, a full-time student is expected to complete at least 24 semester or trimester hours or 36 quarter hours at a school which measures program length in credit hours or at least 900 clock hours at a school which measures program length in clock hours.

* * * * *

Borrower—All endorsers on loans authorized by this chapter.

College entrance examination—A Nationally-recognized standardized test used to assess college readiness chosen at the Agency's sole discretion to rank students who demonstrate the greatest potential to perform at the highest level of academic achievement.

Disposable pay—That part of the borrower's compensation from an employer remaining after the deduction of any amounts required by law to be withheld.

* * * * *

Quarter—A period of approximately 11 weeks normally comprising 1/3 of the academic year.

[*SAT*—The College Entrance Examination Board's Scholastic Assessment Test.]

Semester—A period of approximately 17 weeks normally comprising 1/2 of the academic year.

* * * * *

Veteran—A person who engaged in active service in the United States Army, Navy, Air Force, Marines or Coast Guard or was a cadet or midshipman at one of the service academies and was released under a condition other than dishonorable, or will be by June 30 of the academic year for which the application is made, or who was a National Guard or Reserve [*enlistee*] *service member* who was activated for *Federal* duty by *Presidential order*. ROTC students, cadets or midshipmen currently attending the service academies, National Guard or Reserve enlistees who were not activated for *Federal* duty[,] by *Presidential order* or those currently serving in the United States Armed Forces and will continue to serve through June 30 of the academic year for which application is made are not considered veterans.

§ 121.3. Discrimination prohibited.

The race, religious creed, color, sex, [*National*] *national* origin, ancestry, handicap, age or marital status of a student or parent applicant will not be factors of consideration for eligibility except to the extent that adjustments or allowances based on marital status may be necessary within the State Higher Education Grant [and the Federal Family Education Loan Programs] *Program* to properly reflect the ability of the family to finance costs of education.

§ 121.4. Denial of eligibility to loan defaulters.

(a) [*No award or disbursement of higher education grants will be made to any person who has allowed a loan to mature through purchase from the lender by the Agency under the Loan Guaranty Programs or who has a current loan default record with the Agency as a result of a claim on the loan having been submitted to the Agency by the lender*] A higher education applicant who has defaulted on an educational loan guaranteed or reinsured by the Federal government, the government

of any state or institution is ineligible for an award or a disbursement of funds unless the applicant has repaid the loan in whole or in part and, in the judgment of the Agency, did not make such repayment merely to gain grant eligibility or unless the applicant otherwise shows good cause why grant eligibility should be reinstated. [*Higher education grants may also be denied to any person who has defaulted on an educational loan guaranteed or reinsured by the Federal Government or by the government of any other state or who has defaulted on a loan made by any institution of higher education to finance the costs of education; eligibility in these cases will be determined in the same manner as in the case of Agency-guaranteed loans.*] This includes programs administered by the United States Department of Education or PHEAA when awards have been converted to loans due to failure to meet eligibility or service requirements and the loan is in default status.

(b) [*Eligibility for a loan guaranty will be denied to any person who has allowed a loan to mature through purchase from the lender by the Agency under the guaranty of a previous loan in the Loan Guaranty Programs or has a current loan default record with the Agency as a result of a claim on the loan having been submitted to the Agency by the lender unless the applicant has repaid the loan in whole or in part and, in the judgment of the Agency, did not make such repayment merely to gain loan eligibility or unless the applicant otherwise shows good cause why loan eligibility should be reinstated. Eligibility for a loan guaranty may also be denied to any person who has defaulted on an educational loan guaranteed or reinsured by the Federal Government or by the government of any other state or who has defaulted on a loan made by any institution of higher education to finance costs of education; eligibility in these cases will be determined in the same manner as in the case of Agency-guaranteed loans.*

(c) [*Applicants denied eligibility under this section shall be entitled to review of such denial in accordance with the procedure for review and appeals as provided in §§ 121.7 and 121.8 (relating to notice of denial and preliminary review procedures; and applicant and recipient appeals and hearings).*

§ 121.5. Enrollment.

[(a) *Student and parent loans.* For a student or a parent of a student to be eligible for a loan guaranty, a student shall be or be about to be enrolled in an approved institution of higher learning on at least a half-time basis and be maintaining satisfactory progress as determined by the school.

(b) *Higher education grants.*] To be eligible for a State higher education grant, a student shall be or be about to be enrolled in an approved institution of higher learning on at least a half-time basis. In addition, the President and Chief Executive Officer may treat students as full-time if unusual circumstances would not permit the student to comply with the exact full-time basis requirements as defined in § 121.1 (relating to definitions). In these instances, the President and Chief Executive Officer will thereafter notify the Board of [*his*] *this* action.

§ 121.7. Notice of denial and preliminary review procedures.

* * * * *

(e) The appeal shall be filed in **writing** at the [**offices of the Agency at**] **Agency offices** in Harrisburg, and shall include the following information:

- (1) The name, address and [**Social Security number**] **PHEAA Account Number** of the applicant or recipient.
- (2) The date of the decision being appealed.
- (3) The reasons for appeal.
- (4) The signature of the applicant or recipient.

[**(f) Use of the prescribed appeal form is not mandatory to initiate an appeal. Any written notice that may reasonably be construed as a request for an appeal, delivered or mailed to a authorized representative or to any office of the Agency within the prescribed 60-day appeal period, advising that the applicant or recipient is aggrieved and apparently desires a review of the determination denying him financial assistance, shall be deemed to initiate and constitute an appeal. Thereafter, the applicant or recipient shall perfect the appeal by filing a completed appeal form within a reasonable time after instructions for filing the appeal form have been delivered or mailed to him at his last known post office address. The date of initiation of an appeal delivered by mail, either on the prescribed appeal form or by any other form of written communication, will be determined from the postmark appearing upon the envelope in which the appeal form or written communication was mailed.**

(g) Appeal forms may be obtained from any local field office of the Agency or at the offices of the Agency at Harrisburg. Assistance in completing and filing the appeal form can be obtained at any local field office of the Agency or at the offices of the Agency in Harrisburg.]

§ 121.8. Applicant and recipient appeals and hearings.

(a) An applicant or recipient who is aggrieved by a determination of the Committee on Appeals denying him eligibility for financial assistance may file an appeal to the Board of Directors.

* * * * *

(c) [**Use of the prescribed appeal form is not mandatory to initiate an appeal.**] Any written notice that may reasonably be construed as a request for an appeal, delivered or mailed to [**a duly authorized representative or to any office of the Agency**] **PHEAA's Office of General Counsel** within the prescribed 15-day appeal period, advising that the applicant or recipient is aggrieved and [**apparently desires**] **requests** a review of the determination denying him financial assistance, will be deemed to initiate and constitute an appeal. [**Thereafter, the applicant or recipient shall perfect the appeal by filing a completed appeal form within a reasonable time after instructions for filing the appeal form have been delivered or mailed to him at his last known post office address.**] The date of initiation of an appeal delivered by mail [**, either on the prescribed appeal form or**

by any other form of written communication,] will be determined from the postmark appearing upon the envelope in which the [**appeal form or**] written communication was mailed.

* * * * *

SECONDARY SCHOOL GRADUATION

§ 121.21. Requirement for higher education grant applicants.

(a) A State higher education grant applicant shall be a graduate of or attending an approved secondary school, or be a recipient of a Commonwealth secondary school diploma or other State-issued general equivalency diplomas.

(b) An approved secondary school shall be any public or private secondary school, located in this Commonwealth or elsewhere, including foreign institutions and United States schools overseas, which in the judgment of the **Pennsylvania** Department of Education provides a course of instruction at the secondary level and maintains standards of instruction substantially equivalent to the standards of instruction of the public high schools located in this Commonwealth.

(c) For purposes of the State Higher Education Grant Program, an approved secondary school shall also include any home education program that is accredited by any home schooling accreditation agency approved by the **Pennsylvania** Department of Education. If the home education program lacks the requisite accreditation, certification by the appropriate local school official attesting that the home education program is in compliance with section 1327.1 of the Public School Code of 1949 (24 P. S. § 13-1327.1) shall be submitted to the Agency by the appropriate local school official.

§ 121.22. Early admission students.

Student applicants who leave a State-approved [**senior high**] **secondary** school prior to their senior year and are admitted for the academic year or a portion thereof, immediately following their secondary school studies, to an approved institution of higher learning as early admission students shall be considered as first-year collegiate applicants and in compliance with the high school graduation requirement for purposes of State higher education grant eligibility if the school district of the school that the applicant had attended certifies that:

* * * * *

EDUCATIONAL INSTITUTIONS

§ 121.32. Approved institution in higher education grant program.

* * * * *

(b) To be approved, an institution shall be other than a school of theology or a theological seminary as determined by the Agency, shall be located in the United States [**, the Canal Zone, Puerto Rico, the Virgin Islands, American Samoa or Guam**] or any of its territories and shall comply with the following:

(1) If the institution is a college or university located within this Commonwealth, the institution shall be approved by the **Pennsylvania** Department of Education and shall be accredited or a recognized candidate for accreditation with an accrediting body recognized by the **United States Department of Education or the Council for Higher Education Accreditation and its successors**; if the college or university is located outside this

Commonwealth, the institution shall be degree-granting, shall be operated not-for-profit, **shall be legally authorized to do business by the appropriate state licensing or approval authority in the state in which it is doing business** and shall be fully accredited by an accrediting body recognized by the **United States Department of Education** or the regional institutional accrediting body recognized by the Council for Higher Education Accreditation **and its successors** responsible for accreditation in the state where the college or university is conducting its educational program.

(2) If the institution is a hospital school of nursing located within this Commonwealth, the institution shall be initially, provisionally or fully approved by the **Pennsylvania State Board of Nursing** and shall be accredited by the National League for Nursing **Accrediting Commission, the Commission on Collegiate Nursing Education or other accrediting body recognized by the United States Department of Education for the accreditation of nursing schools**; if located outside this Commonwealth, the institution shall be **legally authorized to do business by the appropriate state licensing or approval authority in the state in which it is doing business** and shall be accredited by the National League for Nursing **Accrediting Commission, the Commission on Collegiate Nursing Education or other accrediting body recognized by the United States Department of Education for the accreditation of nursing schools**.

(3) If the institution is a trade, technical or business school located within this Commonwealth, the institution shall be approved by the **Pennsylvania Department of Education** or shall currently be, and shall have been throughout the preceding 24 months, licensed by the **Pennsylvania State Board of Private Licensed Schools** and shall be accredited by an accrediting body recognized by the **United States Department of Education or the Council for Higher Education Accreditation and its successors**, except that this requirement for licensure and accreditation may be waived by the President and Chief Executive Officer for branch campuses of an institution that **[has] have** been operating satisfactorily in this Commonwealth for 2 years or more; if the institution is located outside this Commonwealth, it shall be degree-granting, shall be operated not-for-profit and shall be fully accredited by the **United States Department of Education or the regional institutional accrediting body recognized by the Council for Higher Education Accreditation and its successors** responsible for accreditation in the state where the institution is conducting its educational program.

* * * * *

(5) The institution shall have executed and filed with the Agency an agreement on a form provided by the Agency to report or advise the Agency if the institution has knowledge of the name and address of Commonwealth resident students who are recipients of Agency-administered aid who have been convicted in a court of record of a criminal offense which under the laws of the United States or of the Commonwealth would constitute a felony committed after October 29, 1969. Institutional knowledge shall be facts contained in the academic, disciplinary or financial student records of the institution **[and] or facts known to persons occupying positions of authority such as the dean of students, director of financial aid [and] or president of the institution [or**

persons occupying these positions by whatever titles designated by the institution].

* * * * *

§ 121.33. Approved program of study in higher education grant program.

To be eligible for a State higher education grant, an applicant shall enroll in a program of study approved by the Agency and offered by an institution approved by the Agency under § 121.32 (relating to approved institutions in Higher Education Grant Program) for participation in the State Higher Education Grant Program. An approved program of study shall comply with the following:

* * * * *

(3) If offered at a trade, technical or business school located within this Commonwealth, an approved program of study shall be approved by the **Pennsylvania Department of Education** or by the **Pennsylvania State Board of Private Licensed Schools**.

* * * * *

Subchapter B. HIGHER EDUCATION GRANT PROGRAM

§ 121.41. Grouping of applicants.

Higher education grant applicants shall be grouped into the following categories:

(1) *Group I.* A roster of the top 5,000 prospective freshmen applicants—without breaking ties—listed in descending order by composite score on **[the SAT] Nationally-recognized college entrance examinations**.

* * * * *

§ 121.44. Required family financial data.

* * * * *

(b) *Exceptions.* The Agency may determine the eligibility of the applicant without regard to the parents' financial data, waiving its submission, in the following cases:

(1) If the applicant is a veteran as defined in § 121.1 (relating to definitions).

(2) **[If the applicant is at least 24 years of age by January 1 prior to the academic year for which application is made.**

(3) **If the applicant is an orphan or ward of the court.**

(4) **If the applicant is married or separated.**

(5) **If the applicant has legal dependents other than a spouse.**

(6) **[If the applicant is in compliance with other criteria established by the Agency for the processing of applicants without regard to parental financial data which generally are the United States Department of Education criteria for financial independence for Title IV Federal student aid programs.**

[(7)] (3) Other exceptions may be granted by the Administrative Review Committee or the Committee on Appeals in turn on an individual case basis.

* * * * *

§ 121.47. State Higher Education Grant Program Manual.

(a) **[The Agency will publish annually a State Higher Education Grant Program Manual contain-**

ing: all current financial need analysis procedures established by the Agency; a list of approved colleges, universities, and hospital schools of nursing located in this Commonwealth; a list of approved programs of study offered by approved trade, technical, and business schools located in this Commonwealth; and a list of the Regional Accrediting Commissions of Higher Education and other agencies upon whose accreditation or approval depends the eligibility for the State Higher Education Grant Program, of institutions of higher learning located outside this Commonwealth, and, where applicable, of programs of study offered by institutions of higher learning located outside this Commonwealth.] The Agency will publish annually a State Higher Education Grant Program Manual containing:

(1) Current financial need analysis procedures established by the Agency.

(2) A list of approved colleges, universities and hospital schools of nursing in this Commonwealth.

(3) A list of approved programs of study offered by approved trade, technical and business schools in this Commonwealth.

(4) A list of approved institutions of higher learning outside of this Commonwealth.

(5) When applicable, a list of programs of study offered by institutions of higher learning outside of this Commonwealth.

(6) A list of accrediting agencies (bodies) recognized by the Agency for the State Higher Education Grant Program.

(b) [One copy of such manual will be available for public inspection in the principal office of the Agency and at each regional office.] The State Higher Education Grant Program Manual will be available on the Agency's web site.

§ 121.48. Limitation on payment of grants.

The Agency will not make payment of, or further payment on, an existing State higher education grant on the basis of an inquiry or request received after August 1 of the calendar year [next commencing] immediately following the academic year for which the payment is sought unless the President and Chief Executive Officer specifically directs that payment be made to prevent grave hardship.

§ 121.52. Transferring an award.

[(a) A recipient shall be limited to no more than two institutional transfers after the initial disbursement of his higher education grant funds. That is to say, a student who enrolls in institution A may transfer his award to institution B and thereafter to institution C, but will forfeit his award if thereafter he transfers to institution D.

(b)] A recipient may not transfer his award to a nonapproved institution or course of study.

§ 121.55. Recipients on probation.

A recipient on academic or disciplinary probation shall remain eligible for a higher education grant if the institution of higher learning permits him to continue his studies on at least a half-time basis and he is making satisfactory academic progress as required under § 121.58 (relating to academic progress).

§ 121.58. Academic progress.

(a) A higher education grant recipient must make normal academic progress, as defined in the State Higher Education Grant Program Manual, from year to year [in order] to retain higher education grant eligibility.

* * * * *

[Pa.B. Doc. No. 13-1986. Filed for public inspection October 25, 2013, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

[52 PA. CODE CHS. 1001, 1011,
1017, 1019 AND 1021]

Wheelchair Accessible Vehicle Taxicabs

The Philadelphia Parking Authority, on July 23, 2013, adopted a proposed rulemaking order to provide for the regulation of wheelchair accessible taxicabs in Philadelphia.

Proposed Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-5

Proposed Rulemaking Order

By the Authority:

In accordance with of the act of July 16, 2004, (P. L. 758, No. 94), as amended, 53 Pa.C.S. §§ 5701 et seq., (the "act"),¹ the Authority formally commences its rulemaking process to promulgate regulations to provide regulations related to the provision of wheelchair accessible taxicab service in Philadelphia. The Authority seeks comments from all interested parties on these proposed regulations, which are found at Annex A to this Order.

A. Background

Pursuant to Section 23 of the Act, the Authority initiated regulatory oversight of taxicab and limousine service providers in Philadelphia on April 10, 2005. The Authority's regulations may be found at 52 Pa. Code Part II. The Authority has been authorized by the Legislature through the act of July 5, 2012, (P. L. 1022, No. 119) ("Act 119") to issue an additional 15 taxicab medallions in Philadelphia, provided those medallions be used for the purposes of providing wheelchair accessible taxicab service.² Act 119 also increased the number of authorized Philadelphia taxicab medallions by an additional 15 on June 1, 2013 and will continue to increase the aggregate statutory medallion cap by 15 each June 1 until 1,750 Philadelphia taxicab medallions are authorized for issuance by the Authority.³

Discussion

Currently, fewer than 10 taxicabs in Philadelphia of nearly 1,800 are wheelchair accessible. The Legislature has recognized the inequity associated with that disposition. To that end, the Authority has been authorized to begin to remedy that shortcoming through the issuance of 15 taxicab medallions that may only be attached to wheelchair accessible taxicabs. The Authority may then

¹ See 53 Pa.C.S. §§ 5722 and 5742.

² See 53 Pa.C.S. § 5711(c)(2)(i).

³ See 53 Pa.C.S. § 5711(c)(2)(ii).

continue to issue additional medallions with identical or similar restrictions over the next nine years as identified above.

Many cities in the United States are striving to implement regulations to address this important issue. While market conditions and variations in taxicab service vary from city to city, there is little debate that people with disabilities must have broader access to these transportation services.

The purpose of this proposed regulation is to create mandatory requirements for the operation of taxicabs through medallions restricted to wheelchair accessible taxicab service. The proposed regulation will also provide guidelines related to the operation of wheelchair accessible taxicabs generally, because taxicab owners may opt to provide wheelchair accessible taxicab service, although not required to do so by conditions that run with their medallions or certifications. We understand that this is a complicated issue that encompasses fundamental transportation issues, as well as technological and funding challenges.

The Authority has received preliminary comments related to the expense of purpose built wheelchair accessible taxicabs, the costs to retrofit minivans to provide this service, the additional costs of insurance that may apply, the need to train drivers and coordinate dispatching operations and many other facets of wheelchair accessible taxicab service. We have drafted this proposed regulation with those comments in mind and with the anticipation that updated and more narrowly tailored comments will be forthcoming during the comment period. We will rely on those comments when drafting final-form regulations.

B. The regulation.

§ 1001.9. Sessions of the Authority.

We propose amending this section to reflect the address of the Authority's new headquarters.

§ 1001.10. Definitions.

We propose amending the definition of "Dispatcher" to include the term "WAV taxicab dispatcher," unless the context of the term clearly indicates otherwise. The addition of the term "WAV taxicab dispatcher" is proposed in section 1011.2.

We propose amending the definition of "Taxicab driver" to include the term "WAV taxicab driver," unless the context of the term clearly indicates otherwise. The addition of the term "WAV taxicab driver" is proposed in section 1011.2.

§ 1011.2. Definitions.

We propose adding the term "WAV medallion" to identify the medallions that will be issued with the condition that the medallion be attached only to a wheelchair accessible taxicab. WAV is an acronym that stands for "wheelchair accessible vehicle" and is used commonly in the taxicab and limousine industries throughout the United States.

We propose adding the term "WAV medallion taxicab" to identify taxicabs to which a WAV medallion is attached by the Authority as provided in this chapter.

We propose adding the term "WAV taxicab" to identify taxicabs that are capable of duly transporting persons in wheelchairs. The term will apply equally to both taxicabs that are required to be WAVs through conditions imposed upon their respective medallions, as well as taxicabs that operate as WAVs voluntarily.

We propose adding the term "WAV taxicab dispatcher" to identify dispatchers authorized by the Authority to dispatch WAV taxicabs. The "WAV taxicab dispatcher" authorization is addressed in § 1019.8.

We propose adding the term "WAV taxicab driver" to identify taxicab drivers specially authorized to provide taxicab service in a wheelchair accessible taxicab pursuant to § 1021.5a and section 5706(a.1) of the act.

We propose adding the term "WAV taxicab driver's certificate" to identify the special driver's certificate that will be issued by the Authority to WAV taxicab drivers required by section 5706(a.1)(1) of the act.

We propose adding the term "Wheelchair" to define the devices that wheelchair accessible taxicabs must be able to transport. We have largely adopted the term as employed by the United States Department of Transportation and provided at 49 C.F.R. 37.3 because we believe it includes the types of personal transportation devices most commonly used by people with disabilities. However, we have altered the width of a "common wheelchair" from 30 inches to 32 inches to accommodate for widening of wheelchairs that we have witnessed thus far during the implementation of the 7 wheelchair accessible taxicabs in service today. This definition provides a guideline to certificate holders in terms of developing vehicles, equipment and policies to best transport persons in wheelchairs.

§ 1017.8. WAV taxicab specifications.

We propose adding this section to identify what it means to be a wheelchair accessible taxicab. The basic requirements of a taxicab will continue to apply to wheelchair accessible taxicabs, except as limited by the requirements of this section. The proposed regulation provides general standards for WAVs, and guidance on acceptable means of vehicle conversions. All WAVs in Philadelphia are currently minivans that have been retroactively altered to accommodate persons in wheelchairs. The means by which this retroactive fitting is accomplished is important to the overall operation and safety of the vehicle. Many of the standards used in the proposed regulation are in place in other jurisdictions and are adhered to by the wheelchair accessible taxicab owners currently employing this technology in Philadelphia.

This section will also reduce the acceptable age and mileage standards otherwise applicable to taxicabs in § 1017.4 for WAV medallion taxicabs. WAV medallion taxicabs are taxicabs operated through a WAV medallion. We propose reducing the entry level age and mileage for these WAV medallion taxicabs to new or nearly new and that the retirement age be lowered from 8 years to 5 years, although the maximum mileage is not adjusted from that applicable to all taxicabs.

The use of newer vehicles to provide taxicab service is a general goal of the Authority. This is because the public prefers newer, cleaner and more reliable vehicles to older, worn and less reliable vehicles. Implementing regulations to place better vehicles in taxicab service is crucial to the Authority's legislative directive to create a clean, safe, reliable, and well regulated taxicab and limousine industry . . ." 53 Pa.C.S. § 5701.1(2).

The Authority has not sold any WAV medallions and will not do so until WAV taxicab regulations are in place. This sequencing will permit those who opt to purchase a WAV medallion to understand the financial obligations associated with operating this class of taxicabs before buying the WAV medallion. Additional costs of operation

may; therefore, be ameliorated through a reduced initial WAV medallion acquisition auction bid price.⁴

The proposed regulation will also require WAV taxicabs to be dispatched only by WAV dispatchers and operated only by WAV taxicab drivers. An exemption from the vehicle standards and age and mileage limitations of this section is also granted to taxicabs in service and approved by the Authority that are equipped to provide taxicab service to persons in wheelchairs without the need of the passenger to exit the wheelchair on the day the final-form regulation becomes effective. The purpose of this limited exemption is to encourage the use of as many of these Authority approved vehicles as possible now and not to discourage the continued use of these existing, if not completely compliant, wheelchair accessible taxicabs.

§ 1017.24. Meter activation and display.

We propose amending subsection (d) of this section to include a new paragraph (9) and (10). Paragraph (9) will require every WAV taxicab meter to be equipped with a button that the driver will push when a person in a wheelchair begins taxicab service. This is a crucial tool to track the emerging use of this new service by persons in wheelchairs. It is necessary because a WAV taxicab may also provide standard taxicab service; therefore, some method of differentiating between the types of service provided is necessary. The meter systems in place in medallion taxicabs currently have the capability to designate an existing button for this purpose.

We also propose in new paragraph (10) that the meter systems in WAV taxicabs be capable of taking a picture of the person in a wheelchair as a passenger in the WAV. This information may be reviewed to assure that the appropriate procedures for fastening wheelchairs into WAV taxicabs are followed and to assure that the driver has not pushed the button required by paragraph (9) when the passenger is not a person in a wheelchair.

The latter reason for the meter camera system goes to the requirement that WAV taxicab drivers be committed to provide taxicab service to persons in wheelchairs. WAV taxicab drivers will be paid by the Authority to train for this classification of service and each WAV taxicab driver's annual registration fee will also be paid by the Authority. These benefits are extended with the intent of encouraging drivers to proactively seek (and not avoid) service to persons in wheelchairs. WAV taxicab drivers will be required to provide a minimum number of taxicab trips to persons in wheelchairs each year as provided in § 1021.5a(d), and may receive monetary rewards based on the number of such passengers serviced. The camera system is the best means of assuring the accuracy of this data.

§ 1019.8. Dispatcher requirements.

We propose adding subsections (b) and (c) to this section and reidentifying the existing regulatory language as "(a) General requirements." The new subsection (a) applies to all dispatchers generally and will include the addition of a paragraph (16) that requires dispatchers to refer requests for a WAV taxicab to a WAV dispatcher. This is as opposed to terminating the request for service with instructions to "call another dispatcher." We have received comments emphasizing the need for a form of dispatching coordination to rapidly match a person in a wheelchair with an available wheelchair accessible taxicab by making only one phone call. This requirement is added in furtherance of that goal.

We propose that only WAV dispatchers be permitted to dispatch WAV taxicabs. Persons in wheelchairs will often require a unique form of interaction with a dispatcher, not the least of which will be the need for the dispatcher to have access to several WAV taxicabs. Dispatchers that understands the special requirements associated with WAV taxicab service will be of great assistance to the community of people with disabilities, as will the additional training that the proposed regulation will require of these WAV dispatchers as provided in the proposed language of subsection (c)(3).

Also, each WAV dispatcher must have at least ten percent of the WAV taxicabs then in service in Philadelphia associated with its dispatch service in order to maintain the WAV dispatcher status. The Authority's goal is to make it easy for persons in wheelchairs to obtain WAV taxicab service. A larger pool of WAV taxicabs increases the likelihood that a WAV dispatcher will have a WAV taxicab available for requested service.

We also propose that dispatchers apply for the WAV dispatcher authorization and that the authorization be temporary (for one year), but renewable. We believe that the improper or unenthusiastic dispatching of WAV taxicabs will cause the program to fail and that the process for changing WAV dispatchers must be efficient and uncomplicated. The potential for a non-renewal of this authorization will help assure that WAV dispatchers exercise their responsibilities properly. Dispatchers engaged in dispatching of wheelchair accessible taxicabs on the date these regulations become effective may continue to do so through July 1, 2015 (the beginning of fiscal year 2016), before formal WAV dispatcher authorization will be required. This will permit the existing dispatchers of these vehicles to continue to provide that service while they transition into the new regulatory framework. However, WAV medallion taxicabs may only be dispatched by authorized WAV dispatchers upon the effective date of the final-form regulation.

We propose that WAV dispatchers be required to maintain certain data about the service provided by the WAV taxicabs in their respective associations. The information includes each request to the dispatcher for a WAV taxicab and the dispatcher's response, each time a WAV taxicab in its association provides service to a person in a wheelchair and information related to the WAV taxicab drivers who have accepted or rejected dispatched WAV taxicab service. This information will need to be added to and included in the monthly filing that all dispatchers already provide to the Authority about the status of their dispatch services.

WAV dispatchers will be required to maintain a system of immediate communication to refer requests for WAV taxicab service to the other WAV dispatchers if the initially contacted dispatcher is unable to provide the requested service within 45 minutes. Again, we have received comments about the need to have coordination between WAV dispatchers to dispense with the need for a potential customer to call multiple dispatchers to find an available WAV taxicab. We believe that this inexpensive and immediate form of instant communication (such as instant or email messages) will address this concern.

§ 1021.5a. Special WAV taxicab driver's certificate and requirements.

We propose the development of a WAV taxicab certification program and certificate, as required by section 5706(a.1) of the act. To be approved, an applicant must have two years experience as an Authority certified driver

⁴ See, 53 Pa.C.S. § 5717(b).

within the three years preceding the application for this special certificate, among other identified requirements. An applicant may apply for both a standard taxicab driver and a WAV taxicab driver certificate. A WAV taxicab driver certificate encompasses all of the service rights of a standard driver's certificate; therefore, when an applicant received a WAV driver's certificate the standard certificate will be unnecessary.

In order to prevent driver saturation of the WAV taxicab market, the number of these drivers will be capped at four times the number of then existing WAVs, not only WAV medallions. WAV taxicab drivers are expected to put their WAV training to use and gain additional experience in furtherance of improving this program. The number of drivers must be kept in proportion to the number of available vehicles in order to achieve this goal.

We propose that WAV taxicab drivers maintain a minimum amount of time in a WAV taxicab each year and that a minimum number of persons in wheelchairs be serviced by each driver in order for the driver to maintain the WAV driver certification. We also propose a graduated cash incentive program for drivers who provide a certain number of taxicab trips each year to persons in wheelchairs. We have received comment related to the need to incentivize drivers to actively service persons in wheelchairs in light of the fact that such service may be more physically challenging and time intensive, without a direct monetary benefit. We proposed both the negative incentive of potentially losing the certification in conjunction with the positive incentive of cash bonuses and the payment of the annual driver's certificate fee.

§ 1021.8. Certain training subjects.

We propose that WAV taxicab drivers attend WAV taxicab related training in addition to standard driver training. Again, this is required by section 5706(a.1) of the act. This training will evolve along with the technologies and challenges associated with the operation of this program; therefore, specific training indices are neither prudent nor necessary for purposes of the promulgation of this regulation. For certain, the actual operation of the WAV taxicab equipment, including the demonstrated ability to assist persons in wheelchairs with the safe entry, exit and secure seating within a WAV taxicab will be required of each applicant.

We propose that WAV taxicab drivers complete 4 hours of continuing training classes every 2 years in order to remain current on emerging technology, new or better understood needs of the community of people with disabilities and any changes to statutes, regulations or procedures.

§ 1021.9. Taxicab driver test.

We propose amending this section to clarify that WAV taxicab driver testing will also be required and that the applicant must pass the test within the existing time window required of all taxicab driver applicants.

§ 1021.11. Driver requirements.

We propose adding a new subsections (j) and (k) to this section. Subsection (j) will require all taxicabs to respond to hails of a person in a wheelchair, even if not in a WAV taxicab. A taxicab driver who responds to such a hail, but who is not operating a WAV taxicab must communicate the service request of the person in a wheelchair to the driver's dispatcher. If the dispatcher is a WAV dispatcher it can dispatch a WAV taxicab to the requestor as

provided in the proposed regulation or forward the request to a WAV dispatcher as provided in proposed § 1019.8(a)(16).

We also propose that WAV taxicab drivers be required to identify the passenger as a person in a wheelchair through the meter system as provided in proposed § 1017.24(d)(9) and that drivers be prohibited from falsifying the status of the passenger.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 15, 2013, the Authority submitted a copy of this proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed rulemaking, the Commission provided IRRC and will provide the Committees with a copy of a detailed Regulatory Analysis Form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Authority, the General Assembly and the Governor of comments, recommendations or objections raised.

Conclusion

The Authority, therefore, formally commences its rulemaking process to promulgate this regulation to become part of 52 Pa. Code Part II in a manner consistent with Annex A to this Order. The Authority seeks comments from all interested parties on this proposed body of regulations, which are found at Annex A to this Order. The Authority hereby advises that all comments submitted in response to this Order will be posted, without redaction of name, address, or other personal information or comment provided, on the web site of the Independent Regulatory Review Commission, which may be reached at (717) 783-5417.

Accordingly, under sections 13 and 17 of the Act (53 Pa.C.S. §§ 5722 and 5742); section 5505(d) of the Parking Authorities Act, act of June 19, 2001, (P. L. 287, No. 22), as amended (53 Pa.C.S. § 5505(d)(17), (d)(23) and (d)(24)); sections 201 and 202 of the Act of July 31, 1968 (P. L. 769, No. 240) (45 P.S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P.S. § 745.5), and section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated at 4 Pa. Code §§ 7.231—7.234, the Authority proposes adoption of the regulations set forth in Annex A; *Therefore,*

It Is Ordered That:

1. A proposed rulemaking be opened to consider the regulation set forth in Annex A.

2. The Executive Director shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality.

3. The Executive Director shall submit this proposed rulemaking Order and Annex A for review and comments

to the Independent Regulatory Review Commission and the Legislative Standing Committees.

4. The Secretary of the Board shall certify this proposed rulemaking Order and Annex A and that the Executive Director shall deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. An original and 15 copies of any written comments referencing the docket number of the proposed regulation be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Philadelphia Parking Authority, Attn: General Counsel, 701 Market Street, Suite 5400, Philadelphia, PA 19106.

6. A copy of this proposed rulemaking Order and Annex A shall be served on the City of the First Class Taxicab and Limousine Advisory Committee and a copy shall be posted on the Authority's web site at www.philapark.org/tld.

7. The contact person for this proposed rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,
Executive Director

Fiscal Note: 126-5. (1) Philadelphia Taxicab and Limousine Regulatory Fund; (2) Implementing Year 2013-14 is \$221,000; (3) 1st Succeeding Year 2014-15 is \$298,000; 2nd Succeeding Year 2015-16 is \$378,000; 3rd Succeeding Year 2016-17 is \$457,000; 4th Succeeding Year 2017-18 is \$537,000; 5th Succeeding Year 2018-19 is \$618,000; (4) none—this is a new program; (7) Transfer to Philadelphia Parking Authority; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart A. GENERAL PROVISIONS

CHAPTER 1001. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

Subchapter A. GENERAL PROVISIONS

§ 1001.9. Sessions of the Authority.

Public meetings of the Authority ordinarily will be held in its offices at [3101 Market Street, 2nd Floor] 701 Market Street, Suite 5400, Philadelphia, Pennsylvania. Schedules for public meetings are advertised and posted under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act) and copies of the schedule can be obtained on the Authority's web site at www.philapark.org.

§ 1001.10. Definitions.

(a) Subject to additional definitions contained in subparts which are applicable to specific chapters or subchapters, the following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Dispatcher—The owner of a certificate of public convenience to operate a dispatching service in Philadelphia issued by the Authority under section 5711(c)(6) of the act (relating to power of authority to issue certificates of public convenience) and Chapter 1019 (relating to dispatchers). **The term includes a WAV taxicab dispatcher as provided in § 1011.2 (relating to definitions).**

* * * * *

Taxicab driver—The individual to whom a current and valid taxicab driver's certificate has been issued by the Authority under section 5706 of the act. **The term includes a WAV taxicab driver as provided in § 1011.2.**

* * * * *

Subpart B. TAXICABS

CHAPTER 1011. GENERAL PROVISIONS

§ 1011.2. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Transfer fee—The nonrefundable fee charged by the Authority to review an application to sell transferable rights.

WAV medallion—A medallion restricted to use on a WAV taxicab.

WAV medallion taxicab—A taxicab to which a WAV medallion is attached by the Authority as provided in this chapter.

WAV taxicab—A motor vehicle authorized by the Authority to provide taxicab service that meets the requirements of a "wheelchair accessible taxicab" as defined in section 5701 of the act (relating to definitions) and § 1017.8 (relating to WAV taxicab specifications).

WAV taxicab dispatcher—A dispatcher approved by the Authority to dispatch WAV taxicabs as provided in § 1019.8(b) (relating to dispatcher requirements).

WAV taxicab driver—The individual to whom a current and valid WAV taxicab driver's certificate has been issued by the Authority under section 5706 of the act (relating to driver certification program).

WAV taxicab driver's certificate—The original photographic identification card issued by the Authority which confirms that an individual has complied with section 5706 of the act and § 1021.8 (relating to certain training subjects).

Wheelchair—

(i) A mobility aid belonging to any class of three- or four-wheeled devices, usable indoors, designed for and used by individuals with mobility impairments, whether operated manually or powered.

(ii) A common wheelchair is a device which does not exceed 32 inches in width and 48 inches in length measured 2 inches above the ground and does not weigh more than 600 pounds when occupied.

(iii) The term as further defined by 49 CFR 37.3 (relating to definitions) or its successor regulation.

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter A. GENERAL PROVISIONS

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 1017.8. WAV taxicab specifications.

(a) *Basic requirements.* WAV taxicabs must be in compliance with the requirements applicable to taxicabs, except when deviations are authorized or required by the act, this part or an order of the Authority.

(b) *Standard specifications for WAV taxicabs.* In addition to the requirements of subsection (a), a WAV taxicab is a vehicle that has been inspected and approved by the Enforcement Department to meeting the following requirements:

(1) The vehicle complies with the specifications in the Americans with Disabilities Act Accessibility Specifications for Transportation Vehicles codified in 49 CFR 38.23, 38.25 and 38.31 (relating to mobility aid accessibility; doors, steps and thresholds; and lighting) and higher standards set by the act, this part or an order of the Authority. For example, if the Authority required vehicle lift platforms to have provisions to prevent deployment, falling or folding any faster than 10 inches per second, that requirement would supersede the 12 inches per second requirement of 49 CFR 38.23(b).

(2) The vehicle must be capable of transporting at least one passenger seated in a common wheelchair with access and entry to the passenger compartment either from the right side of the vehicle to and from the curb or through rear entry.

(3) If modified to become a WAV taxicab, the modification of the vehicle shall be completed under the vehicle manufacturer's standards. The Authority may publish a list of approved vehicle modification entities on its web site at www.philapark.org/tld.

(4) The owner of a vehicle modified to be a WAV taxicab shall, upon presentation for a preservice inspection as provided in § 1017.2 (relating to preservice inspection), provide the certification of an engineer with at least a bachelor's degree in either mechanical engineering or electrical engineering with at least 3 years of experience in automotive manufacturing that the vehicle has been modified using the design tested to meet or exceed impact protection requirements as provided in 49 CFR Part 571 (relating to Federal motor vehicle safety standards) and the specifications of the vehicle's manufacturer.

(5) When loaded to gross vehicle weight rating, the distance between the ground and the vehicle's frame must be 5 inches or more.

(6) The vehicle's passenger compartment length from the back of the passenger's seats to any barrier in front of it must be 56 inches or more.

(7) The vehicle's effective legroom (L51) for the rear compartment must be at least 43 inches as defined by the Society of Automotive Engineers.

(8) The vehicle's effective legroom (L34) for the front compartment must be at least 42 inches as defined by the Society of Automotive Engineers.

(9) The floor of a WAV taxicab may be lowered only from the base of the firewall to the area immediately in front of the rear axle.

(10) The floor of a WAV taxicab with a lowered floor assembly must be stainless steel (16 gauge minimum) and meet or exceed the 1,000-hour salt spray rating. A vapor-insulating barrier of 1/2 inch marine grade plywood must be applied over the lowered metal floor and thoroughly secured.

(11) The vehicle's wheelchair ramp may not block any part of the door or glass while in the stowed position.

(12) The entry point of the vehicle must measure 56 inches from the ramp to the top of the entry point.

(13) The system provided to securely hold one or more wheelchairs in place in the vehicle must be the equivalent of the system known as Qstraint, QRT Standard or better.

(14) Anchor points may not project more than 1/8 inch above the vehicle's finished floor.

(15) If the vehicle has a middle fold-up passenger seat, it must have a folding mechanism and base plate and must meet the requirements of 49 CFR 571.207 (relating to standard No. 207; seating systems).

(16) Modifications to the rear air conditioning shall be approved by the vehicle's manufacturer.

(17) Electrical wiring installed while modifying the vehicle to meet the requirements of this section must be PVC or better, insulated and color-coded for positive identification.

(18) The vehicle must have an electrically operated back-up alarm device that produces an intermittent audible signal when the vehicle's transmission is shifted into reverse.

(19) The vehicle must display the universal logo for wheelchairs as a marking of at least 6 inches high and 6 inches wide on the rear of the vehicle and on each side of the vehicle.

(20) If powered by a hybrid-electric power plant, the vehicle must be equipped with an appropriate device to enable persons who are blind to hear the approach of the vehicle as readily as they can hear a conventional gasoline-powered taxicab.

(c) *Age and mileage limitation.*

(1) When a vehicle is proposed for WAV medallion taxicab service, it must be one of the manufacturer's two latest vehicle model years with an odometer reading of less than 500 miles to qualify for inspection as provided in § 1017.2.

(2) A WAV medallion taxicab will not be eligible for inspection as provided in § 1017.31 (relating to biannual inspections by Authority) upon reaching 5 years of age.

(d) *WAV taxicab dispatching.* Only a WAV dispatcher authorized by the Authority as provided in § 1019.8(b) (relating to dispatcher requirements) may dispatch a WAV taxicab.

(e) *WAV taxicab drivers.* Only a taxicab driver certified by the Authority as provide in § 1021.8 (relating to certain training subjects) may provide taxicab service in a WAV taxicab.

(f) *Current vehicles.* Taxicabs authorized by the Authority on _____, (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) that are capable of providing taxicab service to a person in a wheelchair without the need for the person to exit the wheelchair are exempt from the requirements of subsections (b) and (c). The exemption provided in this subsection expires when the exempted vehicle is removed from taxicab service and does not run with the associated medallion or certificate of public convenience.

Subchapter C. METERS

§ 1017.24. Meter activation and display.

* * * * *

(d) The meters in every taxicab must have properly attached and approved receipt printers specified by the

Authority in § 1017.23 (relating to approved meters), including the following:

* * * * *

(8) A distress button that can be easily activated by a driver to silently communicate to the dispatcher the need for emergency assistance.

(9) The capability of identifying the passenger as a person seated in a wheelchair through the push of one button on the meter by the driver.

(10) An integrated camera system capable of recording and transmitting a photograph of the passenger at the time the meter is engaged and at the time the meter is disengaged at the termination of the taxicab trip.

(e) Partial-rights certificate holders are not required to comply with subsection (d).

CHAPTER 1019. DISPATCHERS

§ 1019.8. Dispatcher requirements.

(a) *General requirements.* A dispatcher shall continually maintain standards and equipment capable of providing prompt and adequate service to the public, including the following:

* * * * *

(15) A dispatcher shall report violations of the act, this part or an order of the Authority committed by a driver or certificate holder associated with the dispatcher to the Authority immediately.

(16) Upon receipt of a request for WAV taxicab service directly from a source, including a potential customer or as provided in § 1021.11(j) (relating to driver requirements), a dispatcher not authorized to dispatch WAV taxicabs shall immediately forward the potential customer's contact information and location to a WAV taxicab dispatcher through a means of electronic communication approved by the Authority.

(b) *WAV taxicab dispatcher authorization and renewal.*

(1) Only a WAV taxicab dispatcher may dispatch WAV taxicabs.

(2) A dispatcher or applicant for a dispatcher's certificate as provided in § 1019.3 (relating to dispatcher application) may request authorization to act as a WAV taxicab dispatcher by filing a Form No. DSP-7 "WAV Dispatcher Authorization" with the Manager of Administration. Form DSP-7 is available on the Authority's web site at www.philapark.org/tld.

(3) The authorization to dispatch WAV taxicabs is nontransferable.

(4) A WAV taxicab dispatcher shall have no less than 10% of the WAV taxicabs authorized by the Authority to provide city-wide call or demand service in its association at all times. The Authority will maintain a current list of authorized WAV taxicabs on its web site.

(5) A WAV dispatcher shall use a dispatching system that maintains the following data, in addition to the requirements provided in this section and § 1019.14:

(i) Each request to the dispatcher for a WAV taxicab and the dispatcher's response to that request.

(ii) Each occasion of WAV taxicab service to a person in a wheelchair by a taxicab in the dispatcher's association, including the date of service, the amount of the fare paid and the manner in which the taxicab service was initiated.

(iii) The name and WAV taxicab driver certificate number for each driver that has accepted or declined a dispatch for service to a person in a wheelchair.

(6) The WAV Dispatcher's monthly filing of the Form No. DSP-4 as provided in § 1019.9 (relating to list of affiliated taxicabs) must include the data maintained in its dispatch system as provided in paragraph (5).

(7) The authorization to dispatch WAV taxicabs will automatically expire on July 1 of each year. A dispatcher may reapply for WAV dispatcher authorization at the time it makes its annual filing as provided in § 1011.3 (relating to annual rights renewal process).

(8) The authorization to dispatch WAV taxicabs may be suspended, cancelled or revoked for a violation of the act, this part or an order of the Authority.

(9) Dispatchers engaged in dispatching of WAV taxicabs on _____, (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) may continue without the authorization required under subsection (b)(2) until July 1, 2015. This exemption does not apply to the dispatching of WAV medallion taxicabs.

(c) *WAV taxicab dispatcher requirements.*

(1) A WAV taxicab dispatcher shall maintain a means of immediate and simultaneous telephone, Internet or other electronic communication with every WAV taxicab dispatcher that is approved in advance by the Authority. The Authority will post a list of approved communication methods on its web site at www.philapark.org/tld.

(2) Dispatchers shall give preference to persons seated in a wheelchair when dispatching a WAV taxicab.

(3) The employees or agents, or both, of a WAV taxicab dispatcher who are engaged in dispatching to WAV taxicabs shall complete the same training and applicable to a WAV taxicab driver as provided in § 1021.8 (relating to certain training subjects).

(4) Customers referred to a dispatcher as provided in subsection (a)(16) or § 1021.11(j) shall be serviced in all ways as if the request were made directly to the dispatcher.

(5) In the event that a WAV taxicab dispatcher cannot provide a WAV taxicab to a requesting customer within 45 minutes, the request for service shall be forwarded by the WAV taxicab dispatcher to each other WAV taxicab dispatcher through the system required under paragraph (1).

(6) The information provided by the forwarding WAV taxicab dispatcher as provided in paragraph (5) must include the information necessary to provide the requested service, including the following:

(i) The time the request was received by the forwarding WAV dispatcher.

(ii) The time that the service is requested to begin.

(iii) The location where the WAV taxicab is expected to appear to initiate service.

(iv) The telephone number and other contact information of the person requesting service, if available.

(v) The time that the forwarding WAV dispatcher would be able to initiate service, if at all.

(7) A WAV taxicab dispatcher shall immediately accept the request forwarded as provided in paragraph (6) if the dispatcher can provide a WAV taxicab as requested before the forwarding dispatcher and sooner than any other WAV dispatcher. If the request for service is not accepted, the forwarding WAV dispatcher shall provide the service as provided in paragraph (6)(v).

(8) Acceptance of the forwarded request shall be simultaneously communicated to all other WAV taxicab dispatchers through the system required under paragraph (1).

(9) The accepting dispatcher shall inform the person that has requested WAV taxicab service that it will dispatch a WAV taxicab to the requester immediately.

(10) The Authority will maintain a list of WAV dispatchers on its web site at www.philapark.org/tld.

CHAPTER 1021. TAXICAB DRIVERS

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 1021.5a. Special WAV taxicab driver's certificate and requirements.

(a) *Purpose.* The WAV taxicab driver's certificate is created to ensure that the needs of the disabled community are known and fully addressed by the drivers of WAV taxicabs and to ensure that those in need of WAV taxicab transportation are efficiently and adequately provided with that transportation by the best qualified drivers available.

(b) *WAV taxicab drivers.*

(1) The Authority will issue a special driver's certificate for individuals to provide WAV taxicab service as provided in section 5706(a.1)(1) of the act (relating to driver certification program).

(2) A WAV taxicab driver's certificate will identify the driver as having been trained in the operation of a WAV taxicab and in the best practices of transporting a person in a wheelchair.

(3) To obtain a WAV taxicab driver's certificate an individual, including a current taxicab driver, shall comply with the taxicab driver requirements of this chapter and submit a completed Form DR-4 "WAV Driver Application." Form DR-4 is available on the Authority's web site at www.philapark.org/tld.

(4) An applicant may apply for a taxicab driver's certificate and a WAV taxicab driver's certificate at the same time. If an applicant discontinues the WAV taxicab driver certification process or is unable to successfully complete the training, the applicant may pursue taxicab driver's certification.

(5) Applications for a WAV taxicab driver certificate will be processed by the Director in the order accepted for filing.

(6) A WAV taxicab driver certificate includes the authorizations applicable to a taxicab driver's certificate.

(7) An applicant for a WAV taxicab driver's certificate shall exhibit a high degree of experience and maintain a record of compliance with the act, this part and orders of the Authority as follows:

(i) A WAV taxicab driver applicant shall have at least 2 years of Philadelphia taxicab driver experience as an Authority certificated driver completed within the immediately preceding consecutive 36-month period prior to the date of application.

(ii) A WAV taxicab driver application will be denied if an order has been entered against the applicant by the Authority or the PUC related to the provision of unsafe or discourteous taxicab service.

(iii) A WAV taxicab driver application will be denied if the applicant's taxicab driver's certificate has ever been cancelled or revoked.

(iv) A WAV taxicab driver application will be denied if the applicant's taxicab driver's certificate has been suspended for any reason in the immediately preceding consecutive 36 months.

(c) *WAV taxicab driver cap.*

(1) Except as provided in paragraph (2), the number of WAV taxicab drivers may not exceed the product of the number of WAV taxicabs multiplied by four. The Authority will continuously maintain a list of the maximum number of WAV taxicab drivers on its web site at www.philapark.org/tld.

(2) To address circumstances of increased need, the Authority may alter the cap imposed by this section, upon investigation, for a period not to exceed 1 year.

(3) The Director will not accept applications for WAV taxicab driver's certificates in excess of the cap established by the Authority.

(d) *WAV taxicab driver renewal.*

(1) A WAV taxicab driver's certificate may be renewed by filing the completed Form DR-4 with the Manager of Administration and adhering to standard renewal requirements as provided in § 1011.3 (relating to annual rights renewal process).

(2) The Authority may deny the renewal of a WAV taxicab driver's certificate if the driver has failed to provide taxicab service in a WAV taxicab for 250 days or more and for not less than 8 hours each on these days in the immediately preceding consecutive 12-month period.

(3) The Authority will not renew a WAV taxicab driver's certificate if the driver has failed to provide taxicab service in a WAV taxicab for 150 days or more and for not less than 8 hours each on these days in the immediately preceding consecutive 12-month period.

(4) The Authority may deny the renewal of a WAV taxicab driver's certificate if the number of taxicab trips provided by the driver to persons seated in wheelchairs remains below the average provided by WAV taxicab drivers in the immediately preceding consecutive 12-month period.

(5) The annual taxicab driver renewal fee charged by the Authority shall be paid from the proceeds of the sale of WAV medallions authorized by section 5711(c) of the

act (relating to power of authority to issue certificates of public convenience) for each successfully renewed WAV taxicab driver.

(6) When a WAV taxicab driver's certificate is denied for a reason in paragraphs (2)—(5) and not on another basis, the Authority will issue the renewing driver a standard taxicab driver's certificate.

(e) *Wheelchair service preference.*

(1) A person seated in a wheelchair who requests taxicab service shall be given preference by a WAV taxicab driver over a potential customer that is not in a wheelchair. For example, if a WAV taxicab is hailed by two people at the same time but only one of those people is seated in a wheelchair, service shall be provided to the person seated in the wheelchair first.

(2) A customer already seated in a taxicab may not be asked to exit the taxicab to accommodate a person seated in a wheelchair.

(3) When a WAV taxicab has been dispatched and is in route to provide taxicab service to a person not in a wheelchair and is hailed by a person seated in a wheelchair, the WAV taxicab driver shall stop and provide taxicab service to the person in a wheelchair. Prior to assisting the hailing customer into the WAV taxicab, the driver shall notify his dispatcher of the hail. The dispatcher shall arrange for an alternate taxicab to provide service to the original customer.

(f) *WAV taxicab driver incentive program.* Beginning December 1, 2015, the Authority will provide the following incentives to WAV taxicab drivers, upon the successful renewal of their WAV taxicab driver's certificate, from proceeds of the sale of WAV medallions as provided in section 5711(c) of the act:

(1) The amount of \$250 to each WAV taxicab driver who provided 75 taxicab trips or more to a person seated in a wheelchair in a WAV taxicab during the 1-year period immediately preceding the renewal of the WAV driver's certificate.

(2) The amount of \$500 to each WAV taxicab driver who provided 135 taxicab trips or more to a person seated in a wheelchair in a WAV taxicab during the 1-year period immediately preceding the renewal of the WAV driver's certificate. The incentive in this paragraph is in addition to the incentive in paragraph (1).

(3) The amount of \$500 to each WAV taxicab driver who provided 250 taxicab trips or more to a person seated in a wheelchair in a WAV taxicab during the 1-year period immediately preceding the renewal of the WAV driver's certificate. The incentive in this paragraph is in addition to the incentive in paragraphs (1) and (2).

§ 1021.8. Certain training subjects.

(a) *Continued training subjects.* The Authority will continually monitor issues related to taxicab drivers, including safety, **WAV taxicab service** and customer service, and maintain a current list of taxicab driver training subjects on its web site at www.philapark.org/tld.

* * * * *

(c) *WAV taxicab driver training.*

(1) In addition to training required under this section, WAV taxicab driver training will consist of additional in-class instruction and field training necessary to address current and evolving issues related to WAV taxicab service, including sensitivity

training, safe and proper use of applicable equipment, and regulations regarding WAV taxicab service.

(2) WAV taxicab driver training will consist of training in all aspects of WAV taxicab service, including the operation of a WAV taxicab and the entry, exit and securing of a passenger in a wheelchair.

(3) A WAV taxicab driver must attend a minimum of 4 hours of continuing WAV taxicab service training every 2 years. The Authority may order additional training as it determines necessary to meet the requirements of the act and this part.

(d) *Testing.* The applicant will be tested under § 1021.9 (relating to taxicab driver test) on the final day of training.

§ 1021.9. Taxicab driver test.

(a) The Authority will develop a test to assure that applicants for taxicab driver's certificates **and WAV taxicab driver's certificates** understand the information presented during training as provided in § 1021.8 (relating to certain training subjects).

* * * * *

(c) Except as limited by this chapter, the test may be administered in a manner and in a form deemed appropriate by the Authority. The test may include:

* * * * *

(4) The demonstration of an ability to operate a motor vehicle and use taxicab related equipment.

(5) **For WAV taxicab driver applicants, the demonstration of an ability to operate a WAV taxicab and to assist with the entry, exit and securing of a passenger in a wheelchair in the WAV taxicab.**

(d) Failure to pass the test required by this section after three attempts will render the application void.

* * * * *

(f) Upon the denial or voiding of a DR-1 or DR-4 as provided in this chapter an applicant may not reapply for a driver's certificate for 6 months.

§ 1021.11. Driver requirements.

* * * * *

(i) *Meter operation.* The meter must be in operation during the entire time the taxicab is engaged by a passenger, and the passenger shall be required to pay only the amount recorded by the meter, except that, when back-mileage or surcharge provisions of the tariff of the certificate holder apply, the back-mileage charge or surcharge shall be added to the amount recorded by the meter. Each meter charge shall be collected only once regardless of whether the taxicab is being used in exclusive service or in nonexclusive service.

(j) *Hail by a person in a wheelchair.* A taxicab driver shall respond to a hail by a person in a wheelchair and immediately inform his dispatcher of a request for taxicab service by a person in a wheelchair if that taxicab driver is unable to provide WAV taxicab service.

(k) *Identification of passenger in a wheelchair.* Upon initiation of taxicab service, a taxicab driver shall identify the passenger as a person in a wheelchair through the meter as provided in § 1017.24(d) (relating to meter activation and display). A driver

may make the identification required under this section only if the passenger is a person in a wheelchair.

[Pa.B. Doc. No. 13-1987. Filed for public inspection October 25, 2013, 9:00 a.m.]

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[49 PA. CODE CHS. 47—49]

Qualifications for Licensure

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) proposes to amend §§ 47.12c, 48.13 and 49.13 (relating to licensed clinical social worker; licensed MFT; and licensed professional counselor) to read as set forth in Annex A.

Effective Date

This proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin*.

Statutory Authority

Section 6(2) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1906(2)) authorizes the Board to adopt and revise rules and regulations as may be necessary to carry into effect the provisions of the act.

Background and Need for this Proposed Rulemaking

The act of March 14, 2012 (P. L. 191, No. 17) (Act 17) amended the act by revising some of the qualifications for licensure as a licensed clinical social worker, licensed marriage and family therapist and licensed professional counselor. This proposed rulemaking implements Act 17.

Description of Proposed Rulemaking

Section 47.12c(a)(5) is proposed to be amended to delete “3 years or” and the definition of “3 years of supervised clinical experience.” Act 17 deleted the language that permitted an applicant to be licensed if they had “completed at least 3 years or 3,000 hours” of supervised clinical experience. The language proved confusing to applicants. This proposed deletion makes the definition describing what constitutes 3 years of supervised clinical experience unnecessary. In addition, Act 17 added an option of holding an Academy of Certified Social Workers Certificate issued by the National Association of Social Workers prior to January 1, 2001, instead of the 3,000 hours of supervised clinical experience. This rulemaking proposes to add that language. Subsection (b)(2) is proposed to be amended to provide that “at least 1/2 the required hours” be supervised by a clinical social worker to be consistent with the proposed amendments to §§ 48.13 and 49.13.

Section 48.13 is proposed to be amended to incorporate a change made by Act 17 to permit applicants for licensure as a licensed marriage and family therapist to have completed a master’s degree of less than 48 semes-

ter hours or 72 quarter hours granted on or before June 30, 2009 (instead of by March 2, 2007). Essentially, this extension from 2007 to 2009 opens up the option of licensure to additional candidates who do not currently qualify. In addition, Act 17 reduced the number of hours of required supervised clinical experience from 3,600 to 3,000 hours for individuals who have completed a master’s degree. Act 17 also deleted the confusing “3 years or,” “2 years or” and “1 year or” language in favor of maintaining the more definite 3,000 hours, 2,400 hours and 1,200 hours in subsection (a)(4)(i) and (ii). In addition, subsection (b)(2) is proposed to be amended to provide that at least 1/2 of the required supervised clinical experience shall be supervised by a marriage and family therapist. Subsection (b)(9) is proposed to be amended to require no less than 500 hours and no more than 1,800 hours of supervised clinical experience may be credited in any 12-month period. The minimum number of hours was adjusted due to the reduction in the total number of hours that may be completed over a maximum 6-year period to 3,000. The maximum number of hours was maintained at 1,800 to minimize disruption to individuals already working toward licensure.

Section 49.13 is proposed to be amended in a similar fashion as § 48.13 to permit a candidate for licensure as a licensed professional counselor to have completed a master’s degree of less than 48 semester hours or 72 quarter hours, so long as the degree was granted on or before June 30, 2009; reducing the number of hours of required supervised clinical experience to 3,000; deleting confusing language; and adjusting the minimum number of hours completed in a given 12-month period.

Fiscal Impact

The proposed rulemaking will benefit those individuals who now qualify for licensure without the required 48 semester hour master’s degree in that they will not have to return to school to obtain a 48 semester hour/72 quarter hours master’s degree. It will also benefit applicants for licensure as licensed marriage and family therapists and licensed professional counselors who can become licensed sooner by not having to complete (and sometimes pay for) 600 additional hours of supervised clinical experience. The proposed rulemaking is not expected to have other fiscal impact on the regulated community, the private sector, the general public or political subdivisions in this Commonwealth.

Paperwork Requirements

The proposed rulemaking will require the Board to alter some of its application forms to reflect the revised qualifications for licensure. However, the proposed rulemaking will not create additional paperwork for the regulated community or the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 16, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Cynthia Montgomery, Regulatory Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P.O. Box 2649, Harrisburg, PA 17105-2649 within 30 days following publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference 16A-6921—Qualifications for Licensure on comments submitted.

LAURA HINDS, MSW, LSW,
Chairperson

Fiscal Note: 16A-6921. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

LICENSURE

§ 47.12c. Licensed clinical social worker.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed clinical social worker, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

* * * * *

(5) **[Completed] Has completed** at least **[3 years or]** 3,000 hours of supervised clinical experience meeting the criteria in subsection (b) after completion of the master's degree in social work **or holds an Academy of Certified Social Workers Certificate issued by the National Association of Social Workers prior to January 1, 2001. [For purposes of this paragraph, "3 years of supervised clinical experience" means three 12-month periods during each of which the applicant has completed at least 1,000 hours of supervised clinical experience meeting the requirements in subsection (b).]** Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a (relating to definitions; and qualifications for supervisors).

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of clinical social work consistent with the applicant's education and training, and conforms to the following:

* * * * *

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in §§ 47.1 and 47.1a. However, at least **[1,500] 1/2 of the required** hours shall be supervised by a supervisor meeting the qualifications in § 47.1a(1) and (3).

* * * * *

CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS

LICENSURE

§ 48.13. Licensed MFT.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed MFT, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

* * * * *

(3) Successfully met one of the following educational requirements:

(i) **[By March 2, 2007, has] Has** completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework which is closely related to marriage and family therapy as defined in § 48.1 (relating to definitions), including one of the following:

(A) A master's degree **granted on or before June 30, 2009**, in marriage and family therapy from an accredited educational institution.

(B) A master's degree **granted on or before June 30, 2009**, in a field closely related to the practice of marriage and family therapy as defined in § 48.1 from an accredited educational institution, with graduate level coursework in marriage and family therapy as defined in § 48.1 and § 48.2 (relating to educational requirements) from an accredited educational institution or from a program recognized by a National accrediting agency as defined in § 48.1.

* * * * *

(4) Has met the following experience requirements:

(i) Individuals who meet the education requirements of paragraph (3)(i) or (ii), shall have completed at least **[3 years or 3,600] 3,000** hours of supervised clinical experience meeting the criteria in subsection (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

(ii) Individuals who meet the education requirements of paragraph (3)(iii) or (iv) shall have completed at least **[2 years or]** 2,400 hours of supervised clinical experience which meets the criteria in subsection (b), **[1 year or]** 1,200 hours of which was obtained subsequent to the granting of the doctoral degree. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 48.1.

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of marriage and family therapy consistent with the applicant's education and training.

* * * * *

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 48.1 and § 48.3

(relating to qualifications for supervisors). However, **[1,800] at least 1/2 of the required** hours shall be supervised by a supervisor meeting the qualifications in § 48.3(1) or (3).

* * * * *

(9) The supervised clinical experience shall be completed in no less than 2 years and no more than 6 years, except that no less than **[600] 500** hours and no more than 1,800 hours may be credited in any 12-month period.

* * * * *

CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS

LICENSE

§ 49.13. Licensed professional counselor.

(a) *Conditions for licensure.* To be issued a license to hold oneself out as a licensed professional counselor, an applicant shall provide proof satisfactory to the Board, that the applicant has met the following conditions:

* * * * *

(3) Successfully met one of the following education requirements:

(i) **[By March 2, 2007, has] Has** successfully completed a planned program of 60 semester hours or 90 quarter hours of graduate coursework in counseling or a field closely related to the practice of professional counseling as defined in § 49.1 (relating to definitions) including one of the following:

(A) A master's degree **granted on or before June 30, 2009**, in professional counseling from an accredited education institution.

(B) A master's degree **granted on or before June 30, 2009**, in a field closely related to the practice of professional counseling as defined in § 49.1 from an accredited educational institution.

* * * * *

(4) Has met the following experience requirements:

(i) Individuals who met the educational requirements of paragraph (3)(i) or (ii), shall have completed at least **[3 years or 3,600] 3,000** hours of supervised clinical experience meeting the criteria in subsection (b), obtained after the completion of 48 semester hours or 72 quarter hours of graduate coursework. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in § 49.1 and § 49.3 (relating to qualifications for supervisors).

(ii) Individuals who meet the educational requirements of paragraph (3)(iii) or (iv) shall have completed at least **[2 years or]** 2,400 hours of supervised clinical experience meeting the criteria in subsection (b), **[1 year or]** 1,200 hours of which was obtained subsequent to the granting of the doctoral degree. Supervision for the supervised clinical experience shall be provided by a supervisor as defined in §§ 49.1 and 49.3.

(b) *Supervised clinical experience.* Experience acceptable to the Board means experience as a supervisee in a setting that is organized to prepare the applicant for the practice of counseling consistent with the applicant's education and training.

* * * * *

(2) Supervision for the clinical experience shall be provided by a supervisor as defined in § 49.1. **[Eighteen hundred] At least 1/2 of the required** hours shall be supervised by a supervisor meeting the qualifications in § 49.3(1) and (3).

* * * * *

(9) The supervised clinical experience shall be completed in no less than 2 years and no more than 6 years, except that no less than **[600] 500** hours and no more than 1,800 hours may be credited in any 12 month period.

* * * * *

[Pa.B. Doc. No. 13-1988. Filed for public inspection October 25, 2013, 9:00 a.m.]

STATEMENTS OF POLICY

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF DENTISTRY

[49 PA. CODE CH. 33]

Use and Replacement of Dental Amalgams

The State Board of Dentistry (Board) amends § 33.213 (relating to use and replacement of dental amalgams—statement of policy) to read as set forth in Annex A. This statement of policy is intended to provide guidance to Board-regulated practitioners and the general public regarding the use and replacement of dental amalgams.

Effective Date

This final-form statement of policy will be effective upon publication in the *Pennsylvania Bulletin*.

Background and Purpose

The Board originally adopted a statement of policy on dental amalgams on January 18, 1965, and amended § 33.213 at 5 Pa.B. 2397 (September 13, 1975) and 25 Pa.B. 2492 (June 24, 1995). The Board again finds it necessary to make minor amendments to § 33.213 to reflect recent information regarding mercury in dental amalgams.

A dental amalgam is a mixture of metals consisting of liquid mercury and a powdered alloy composed of silver, tin and copper. Approximately 50% of dental amalgams are elemental mercury by weight. Mercury is used to bind the alloy particles together into a strong, durable and solid filling. Mercury's unique properties (the only metal that is a liquid at room temperature and that bonds well with the powdered alloy) make it an important component of a dental amalgam that contributes to its durability. Dental amalgam fillings are also known as "silver fillings" because of their silver-like appearance. The advantages of dental amalgam fillings are that they are strong, long-lasting and less likely to break than some other types of fillings. Also, a dental amalgam is the least expensive type of filling material.

A possible disadvantage of dental amalgams is that they contain elemental mercury. An amalgam releases low levels of mercury vapor that may be inhaled. High levels of mercury vapor exposure are associated with adverse effects in the brain and the kidneys. The United States Food and Drug Administration (FDA) has reviewed the best available scientific evidence to determine whether the low levels of mercury vapor associated with dental amalgam fillings are a cause for concern. Based on this evidence, the FDA considers dental amalgam fillings safe for adults and children 6 years of age and older. The amount of mercury measured in the bodies of people with dental amalgam fillings is well below levels associated with adverse health effects. Even in adults and children 6 years of age and older who have 15 or more amalgam surfaces, mercury exposure due to dental amalgam fillings has been found to be far below the lowest levels associated with harm. Clinical studies in adults and children 6 years of age and older have not found a link between dental amalgam fillings and health problems.

The FDA has recommended that individuals whose fillings are in good condition without decay beneath the filling should not have their amalgam fillings removed or replaced. According to the FDA, removing sound amalgam fillings results in unnecessary loss of healthy tooth structure and exposes patients to additional mercury vapor released during the removal process. Therefore, the Board retains its position expressed in § 33.213(b) that the unnecessary replacement of amalgams may implicate section 4.1(a)(8) and (9) of The Dental Law (act) (63 P. S. § 123.1(a)(8) and (9)) and lead to disciplinary action by the Board.

Some individuals have an allergy or sensitivity to mercury or the other components of dental amalgams (such as silver, copper or tin). Dental amalgams might cause these individuals to develop oral lesions or other contact reactions. The FDA recommends, therefore, that individuals who are allergic to any of the metals in dental amalgams should not get amalgam fillings. Individuals who believe that they have an allergy or sensitivity to mercury or the other metals in dental amalgam should discuss treatment options with their dentist. For this reason, the Board retains § 33.213(c)(1)(i), which provides that dentists should explain to the patient the current status of research on the safety of dental amalgams.

On July 28, 2009, the FDA issued a press release on dental amalgams in which it stated: "The U.S. Food and Drug Administration issued a final regulation classifying dental amalgam and its component parts—elemental mercury and a powder alloy—used in dental fillings. While elemental mercury has been associated with adverse health effects at high exposures, the levels released by amalgam fillings are not high enough to cause harm in patients."

The Board amends § 33.213 to provide updated guidance on dental amalgams to assist and inform dentists so that they may conform their conduct to the requirements of the act, and are aware of the guidelines that the Board will consider in the event a disciplinary action is brought against a dentist for treatment associated with the use or replacement of dental amalgams.

Description of Final-Form Amendments

The Board amends § 33.213(a) to restate the FDA's determination that "[w]hile elemental mercury has been associated with adverse health effects at high exposures, the levels released by amalgam fillings are not high enough to cause harm in patients." The Board is also amending this subsection to add language addressing the use of alternative restorative materials, as well as the replacement of dental amalgams. The Board is not aware of conclusive evidence that the use of alternative restorative materials or removal of amalgams will prevent, cure or ameliorate disorders other than those associated with confirmed allergic reactions to mercury.

Additional Information

Persons who require additional information about this statement of policy should submit inquiries to Board Counsel, State Board of Dentistry, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200, ST-DENTISTRY@pa.gov.

LISA P. DEEM, DMD, JD,
Chairperson

(*Editor's Note:* Title 49 of the *Pennsylvania Code* is amended by amending the statement of policy in § 33.213 to read as set forth in Annex A.)

Fiscal Note: 16A-4623. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 33. STATE BOARD OF DENTISTRY

Subchapter C. MINIMUM STANDARDS OF CONDUCT AND PRACTICE

§ 33.213. Use and replacement of dental amalgams—statement of policy.

(a) *Background.* The safety of dental amalgams, specifically, whether the mercury in amalgams causes or contributes to a variety of health problems, has become a recurring issue in dentistry. The Food and Drug Administration has determined that while elemental mercury has been associated with adverse health effects at high exposures, the levels released by amalgam fillings are not high enough to cause harm in patients. The Board is not aware, however, of conclusive evidence that the use of alternative restorative materials or removal of amalgams will prevent, cure or ameliorate disorders other than those associated with confirmed allergic reactions to mercury. Nonetheless, nonallergic patients may request the use of alternative restorative materials or replacement of amalgam restorations in the belief, or merely the hope, that a medical condition will thereby disappear or improve. Dentists receiving these requests must make ethical and professional decisions compatible with the best interests of their patients.

(b) *Purpose.* Section 4.1(a)(8) and (9) of the act (63 P. S. § 123.1(a)(8) and (9)) authorizes the Board to take disciplinary action against licensees who engage in unprofessional conduct or commit acts of negligence, incompetence or malpractice. The replacement of amalgams may implicate both provisions by, for example, generating complaints of unnecessary or even harmful treatment. The Board therefore provides the following guidelines to assist its licensees in conforming their behavior to the requirements of the act. In a disciplinary action brought against a dentist for treatment associated with replacing amalgams, the Board will consider whether these guidelines were followed.

(c) Guidelines.

(1) The Board recommends that, before replacing amalgams in a nonallergic patient, the dentist:

(i) Explain to the patient the current status of research on the safety of dental amalgams.

(ii) Provide the patient with information on contraindications and costs associated with removal/replacement of amalgam restorations.

(iii) Advise a patient relying on third-party payment to ascertain whether the insurer will cover removal/replacement procedures.

(iv) Encourage a patient seeking amelioration of a medical condition to consult with a physician and, as appropriate, secure from the physician documentation of recommendations made to the patient.

(v) Memorialize in writing the disclosures made to the patient and the patient's informed consent.

(2) The Board recognizes the right and duty of dentists to refuse to replace amalgam restorations when, in their professional judgment, this procedure would not be in the best interests of the patient.

[Pa.B. Doc. No. 13-1989. Filed for public inspection October 25, 2013, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 15, 2013.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Conversions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|--|---------------|
| 10-15-2013 | <p><i>From:</i> Jim Thorpe National Bank Jim Thorpe Carbon County</p> <p><i>To:</i> Jim Thorpe Neighborhood Bank Jim Thorpe Carbon County</p> <p>Application for approval to convert from a National banking association to a Pennsylvania State-chartered bank.</p> | Filed |

Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> | | | | | | | | |
|---|--|---|---|--|--|---|--|---|--|-----------|
| 10-11-2013 | <p>CNB Bank Clearfield Clearfield County</p> <p>Merger of The Farmers Citizens Bank, Bucyrus, OH, with and into CNB Bank, Clearfield.</p> <p>As a result of the merger, the following branch offices of The Farmers Citizens Bank became branch offices of CNB Bank:</p> <table><tr><td>105 Washington Square Bucyrus Crawford County, OH</td><td>123 East Main Street Cardington Morrow County, OH</td></tr><tr><td>250 West Sandusky Street Fredericktown Knox County, OH</td><td>7789 County Road 77 Mt. Hope Holmes County, OH</td></tr><tr><td>1921 Free Road Shiloh Richland County, OH</td><td>1605 Marion Road Bucyrus Crawford County, OH</td></tr><tr><td>2821 Fishinger Road Upper Arlington Franklin County, OH</td><td>5858 North High Street Worthington Franklin County, OH</td></tr></table> | 105 Washington Square Bucyrus Crawford County, OH | 123 East Main Street Cardington Morrow County, OH | 250 West Sandusky Street Fredericktown Knox County, OH | 7789 County Road 77 Mt. Hope Holmes County, OH | 1921 Free Road Shiloh Richland County, OH | 1605 Marion Road Bucyrus Crawford County, OH | 2821 Fishinger Road Upper Arlington Franklin County, OH | 5858 North High Street Worthington Franklin County, OH | Effective |
| 105 Washington Square Bucyrus Crawford County, OH | 123 East Main Street Cardington Morrow County, OH | | | | | | | | | |
| 250 West Sandusky Street Fredericktown Knox County, OH | 7789 County Road 77 Mt. Hope Holmes County, OH | | | | | | | | | |
| 1921 Free Road Shiloh Richland County, OH | 1605 Marion Road Bucyrus Crawford County, OH | | | | | | | | | |
| 2821 Fishinger Road Upper Arlington Franklin County, OH | 5858 North High Street Worthington Franklin County, OH | | | | | | | | | |

Branch Applications

De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 10-11-2013 | <p>Woodlands Bank Williamsport Lycoming County</p> | <p>2 South Main Street Hughesville Lycoming County</p> | Approved |

NOTICES

Branch Relocations

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 10-8-2013 | Merchants Bank of Bangor Bangor Northampton County | <i>To:</i> 46 Centre Square Easton Northampton County <i>From:</i> 1 Centre Square Easton Northampton County | Filed |
| 9-28-2013 | Somerset Trust Company Somerset Somerset County | <i>To:</i> 4640 National Pike Markleysburg Fayette County <i>From:</i> 4364 National Pike Markleysburg Fayette County | Effective |

Branch Discontinuances

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 10-3-2013 | Susquehanna Bank Lititz Lancaster County | 12106 Centennial Station Warminster Bucks County | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | 600 Richmond Drive Lancaster Lancaster County | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | 1001 Easton Road Willow Grove Montgomery County | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | 407 South Broad Street Lansdale Montgomery County | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | 329 North Main Street Chalfont Bucks County | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | 14 North Pearl Street Bridgeton Cumberland County, NJ | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | 1101 Professional Court Hagerstown Washington County, NJ | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | 1262 Vocke Road LaVale Allegheny County, MD | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | 233 Hershey Road Hummelstown Dauphin County | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | One College Avenue Grantham Cumberland County | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | 2305 South Market Street Elizabethtown Lancaster County | Closed |
| 10-4-2013 | Susquehanna Bank Lititz Lancaster County | 4501 Hanover Pike Manchester Carroll County, MD | Closed |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.dobs.state.pa.us includes public notices for more recently filed applications.

GLENN E. MOYER,
Secretary

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a General Permit. The applications concern, but are not limited to, discharges regarding industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i> |
|-----------------|-------------------------|--|
| Section I | NPDES | Renewals |
| Section II | NPDES | New or Amendment |
| Section III | WQM | Industrial, Sewage or Animal Waste; Discharge into Groundwater |
| Section IV | NPDES | MS4 Individual Permit |
| Section V | NPDES | MS4 Permit Waiver |
| Section VI | NPDES | Individual Permit Stormwater Construction |
| Section VII | NPDES | NOI for Coverage under NPDES General Permits |

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements.

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d).

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests for public hearings on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination until after a public hearing is held.

Persons with a disability who require an auxiliary aid, service, including TDD users, or other accommodations to seek additional information should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

I. NPDES Renewal Applications

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--------------------------------------|--|----------------------------|
| PA0061611 (Sewage) | Westfall STP 155 Westfall Town Drive Matamoras, PA 18336 | Pike County Westfall Township | Delaware River (1-D) | Y |

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|------------------------------------|--|--|--|----------------------------|
| PA0044024 (Industrial Waste) | Pleasant Mt Fish Hatchery a.k.a. Pleasant Mt Cultural Station 229 Great Bend Turnpike Pleasant Mount, PA 18453-0003 | Wayne County Mount Pleasant Township | West Branch Lackawaxen River (1-B) | Y |

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--|---|----------------------------|
| PA0070122 (Sew) | UMH Properties, Inc. (Highland Estates MHP) 3499 Route 9 North, Suite 3C Freehold, NJ 07728 | Berks County / Greenwich Township | Mill Creek / 3B | Y |
| PA0247243 (Sew) | Foremost Industries, Inc. 2375 Buchanan Trail West Greencastle, PA 17225 | Franklin County Montgomery Township & Peters Township | UNT to West Branch Conococheague Creek | Y |

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--------------------------------------|--|----------------------------|
| PA0209431 (SRSTP) | Thomas R Shrout Res Orchard Park Road Port Matilda, PA 16870 | Halfmoon Township Centre County | UNT of Halfmoon Creek (11-A) | Y |

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|-----------------------------|--|--|--|---------------------------|
| PA0096113 Sewage | McGuffey Junior/Senior High School 90 McGuffey Drive Claysville, PA 15323-2304 | Washington County Buffalo Township | Unnamed Tributary of Buffalo Creek | Y |
| PA0252522 Sewage | Lavansville Sewage Treatment Plant State Route 31 Somerset, PA 15501 | Somerset County Somerset Township | West Branch Coxes Creek | Y |
| PA0033405 Sewage | Sewickley Pines Manor West Newton, PA 15089 | Westmoreland County Sewickley Township | Unnamed Tributary of Sewickley Creek | Y |
| PA0034258 Sewage | Independence Elementary School 103 School Road Aliquippa, PA 15001 | Beaver County Independence Township | Raccoon Creek | Y |
| PA0094102 Sewage | Airways Mobile Home Park Moore Road Washington, PA 15301 | Washington County South Franklin Township | Unnamed Tributary to Chartiers Creek | Y |
| PA0030287 Sewage | Allegheny Country Club Country Club Road Sewickley, PA 15143 | Allegheny County Sewickley Heights Borough | Unnamed Tributary to Little Sewickley Creek | Y |

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--|--------------------------------------|----------------------------|
| PA0222496 (Sewage) | Summerville Borough STP PO Box 278 12188 Harrison Street Pa Rte 28 Summerville, PA 15864-0278 | Jefferson County Summerville Borough | Runaway Run (17-C) | Y |
| PA0103331 (Sewage) | Jackson Center Borough STP Bradley Road Jackson Center, PA 16133 | Mercer County Jackson Center Borough | Yellow Creek (20-A) | Y |

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|---|--------------------------------------|----------------------------|
| PA0100757 (Sewage) | Country Corner RV Park Georgetown Road & Route 173 New Lebanon, PA 16145 | Mercer County New Lebanon Borough | Mill Creek (16-D) | Y |

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970

PA0051306, Sewage, SIC Code 7032, **Camp Green Lane/Green Lane Operating Company**, 249 Camp Green Lane Road, Green Lane, PA 18054-2306. Facility Name: Camp Green Lane STP. This existing facility is located in Salford Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal and transfer of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Ridge Valley Creek, is located in State Water Plan watershed 3-E and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.042 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Instant. Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|----------------------------|--------------------------|-----------------------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | | <i>Average Monthly</i> | | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.0 |
| CBOD ₅ | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 20 | XXX | 40 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Total Nitrogen | XXX | XXX | XXX | Geo Mean Report | XXX | XXX |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 4.0 | XXX | 8.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 8.0 | XXX | 16.0 |
| Total Phosphorus | XXX | XXX | XXX | 2.0 | XXX | 4.0 |

In addition, the permit contains the following major special conditions:

- No Stormwater
- Acquire Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP When Municipal Sewers Available
- Chlorine Minimization
- Operator Notification
- Seeding of Aeration Tank

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0052868, Industrial Waste, SIC Code 2741, **BAE Systems**, PO Box 868, MER 12-1506, Nashua, NH 03061-0868. Facility Name: Former BAE Systems Lansdale PA Facility. This existing facility is located at 305 Richardson Road in Montgomery Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated groundwater. BAE Systems has retained responsibility as operator of the groundwater remediation system. Stormwater discharge from this property is the responsibility of the current property owner.

The receiving stream(s), UNT 02878 to West Branch Neshaminy Creek, is located in State Water Plan watershed 2F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake is for Aqua PA—Neshaminy.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.1008 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Instant. Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-------------------|----------------------------|-----|-----------------------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | | | <i>Weekly Average</i> | | |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Trichloroethylene | XXX | XXX | XXX | 0.005 | XXX | 0.013 |

In addition, the permit contains the following major special conditions:

- Proper Sludge Disposal
- Dry Stream Discharge
- Approved Test Methods
- No Discharge Stripper Tower Cleaning Wastewater

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0053783 A-1, Sewage, SIC Code 8211, **Avon Grove School District**, 375 South Jennersville Road, West Grove, PA 19390-8401. Facility Name: Penn London Elementary School. This existing facility is located in 375 South Jennersville Road, West Grove, PA 19390-8401, in New London Township, **Chester County**.

Description of Existing Activity: The application is for an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary to West branch White Clay Creek, is located in State Water Plan watershed 3-I and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Instant. Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|----------------------------|--------------------------|-----------------------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | | <i>Average Monthly</i> | | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.2 |
| CBOD ₅ | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 10 | XXX | 20 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 20 | XXX | 40 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Nitrate-Nitrite as N | XXX | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen | | | | | | |
| (Interim) | XXX | XXX | XXX | Report | XXX | XXX |
| (Final) | XXX | XXX | XXX | 10 | XXX | 20 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 3.0 | XXX | 6.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 9.0 | XXX | 18.0 |
| Total Kjeldahl Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | XXX | XXX | XXX | 2.0 | XXX | 4.0 |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.009 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Instant. Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|----------------------------|-----|-----------------------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | | | <i>Average Monthly</i> | | |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | Report | XXX | XXX | Report |
| Dissolved Oxygen | XXX | XXX | Report | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | Report | XXX | XXX |
| CBOD ₅ | XXX | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | XXX | XXX | XXX | Report | XXX | XXX |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Ammonia-Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | XXX | XXX | XXX | Report | XXX | XXX |

In addition, the permit contains the following major special conditions: Proposed Part C Conditions:

- A. No Stormwater
- B. Acquire Necessary Property Rights
- C. Proper Sludge Disposal
- D. Abandon STP when Municipal Sewers Available
- E. Total Residual Chlorine Requirement
- F. Additional Total Residual Chlorine Reporting
- G. Dry Stream Discharge
- H. Notification of Designation of Operator
- I. Remedial Measures if Unsatisfactory Effluent
- J. Change in Ownership
- K. Instantaneous Maximum
- L. Twice per Month Sampling
- M. Laboratory Certification
- N. Fecal Coliform Instantaneous Maximum Reporting
- O. Total Nitrogen Compliance Schedule

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

PA0070254, Sewage, SIC Code 4952, **Lehigh County Authority**, 1053 Spruce Road, Allentown, PA 18106-0348. Facility Name: Lynn Township Wastewater Treatment Plant. This existing facility is located in Lynn Township, **Lehigh County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Ontelaunee Creek, is located in State Water Plan watershed 3-B and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.16 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|----------------------------|---------------------------|-----------------|-----------------------------|---------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 Inst Min | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.3 | XXX | 0.7 |
| CBOD ₅ | | | | | | |
| May 1 - Oct 31 | 20.0 | 33.4 | XXX | 15.0 | 25.0 | 30.0 |
| Nov 1 - Apr 30 | 33.4 | 53.4 | XXX | 25.0 | 40.0 | 50.0 |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids | 40.0 | 60.0 | XXX | 30.0 | 45.0 | 60.0 |
| Total Suspended Solids | Report | 7,306.0 | XXX | XXX | XXX | XXX |
| Total Dissolved Solids | Total Mo Report | Total Annual XXX | XXX | 1,000 Avg Qrtly | XXX | XXX |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Nitrate-Nitrite as N | Report Annl Avg | XXX | XXX | Report Annl Avg | XXX | XXX |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-------------------------|------------------------|-----------------------|----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Total Nitrogen | Report Annl Avg | XXX | XXX | Report Annl Avg | XXX | XXX |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 5.3 | XXX | XXX | 4.0 | XXX | 8.0 |
| Nov 1 - Apr 30 | 16.0 | XXX | XXX | 12.0 | XXX | 24.0 |
| Total Kjeldahl Nitrogen | Report Annl Avg | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | Report | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | Report | 244.0 | XXX | XXX | XXX | XXX |
| | Total Mo | Total Annual | | | | |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0086860, Sewage, SIC Code 4952, **Springfield Township**, York County, Sewer Authority, PO Box 75, Seven Valleys, PA 17360. Facility Name: Hollow Creek Wastewater Treatment Plant. This existing facility is located in Springfield Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream, Unnamed Tributary to East Branch Codorus Creek, is located in State Water Plan watershed 7-H and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.700 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.013 | XXX | 0.042 |
| CBOD ₅ | 58 | 87 | XXX | 10 | 15 | 20 |
| | | Wkly Avg | | | | |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 58 | 87 | XXX | 10 | 15 | 20 |
| | | Wkly Avg | | | | |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 8.7 | XXX | XXX | 1.5 | XXX | 3.0 |
| Nov 1 - Apr 30 | 26 | XXX | XXX | 4.5 | XXX | 9.0 |
| Total Phosphorus | 11.6 | XXX | XXX | 2.0 | XXX | 4.0 |
| Total Zinc | 0.46 | XXX | XXX | 0.079 | XXX | 0.158 |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| <i>Parameters</i> | <i>Mass (lbs)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | |
|----------------------|-------------------|---------------|----------------|-----------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia—N | Report | Report | XXX | Report | XXX |
| Kjeldahl—N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |

| <i>Parameters</i> | <i>Mass (lbs)</i> | | <i>Concentration (mg/l)</i> | | |
|----------------------|-------------------|---------------|-----------------------------|------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | <i>Minimum</i> | <i>Monthly Average</i> | <i>Maximum</i> |
| Net Total Nitrogen | Report | 12,785 | XXX | XXX | XXX |
| Net Total Phosphorus | Report | 1,704 | XXX | XXX | XXX |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0262129, SIC Code 6514, **Cheryl & Gerald Mishler**, 1040 Manada Bottom Road, Harrisburg, PA 17112. Facility Name: Mishler SR STP. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream(s), Manada Creek, is located in State Water Plan watershed 7-D and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------|-----------------------------|-------------------------|-------|
| | <i>Average Monthly</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Instant. Maximum</i> | |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX |
| CBOD ₅ | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | 200 | XXX | 1,000 |
| | | | Geo Mean | | |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0027405, Sewage, SIC Code 4952, **Ephrata Borough Authority**, 124 S. State Street, Ephrata, PA 17522-2411. Facility Name: Ephrata WWTP #1. This existing facility is located in Ephrata Borough, **Lancaster County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream, Cocalico Creek, is located in State Water Plan watershed 7-J and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.8 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|------------------------|----------------------|-----------------------------|------------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.29 | 0.96 |
| CBOD ₅ | 666 | 998 | XXX | 21 | 42 |
| | | Wkly Avg | | | |
| BOD ₅ | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX |
| Total Suspended Solids | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX |
| Total Suspended Solids | 951 | 1,426 | XXX | 30 | 60 |
| | | Wkly Avg | | | |
| Fecal Coliform (CFU/100 ml) | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | 1,000 |
| | | | | Geo Mean | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | 10,000 |
| | | | | Geo Mean | |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-------------------|----------------------------|--------------------------|----------------|-----------------------------|---------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 63 | XXX | XXX | 2.0 | XXX | 4.0 |
| Nov 1 - Apr 30 | 190 | XXX | XXX | 6.0 | XXX | 12 |
| Total Phosphorus | 63 | XXX | XXX | 2.0 | XXX | 4.0 |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| <i>Parameters</i> | <i>Mass (lbs)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | |
|----------------------|-------------------|---------------|----------------|-----------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia—N | Report | Report | XXX | Report | XXX |
| Kjeldahl—N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |
| Net Total Nitrogen | Report | 79,049 | XXX | XXX | XXX |
| Net Total Phosphorus | Report | 9,881 | XXX | XXX | XXX |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition, the permit contains the following major special conditions:

- To implement requirements applicable to stormwater outfalls.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0087181, Sewage, SIC Code 4952, **Ephrata Borough Authority**, 124 South State Street, Ephrata, PA 17522-2411. Facility Name: Ephrata WWTP #2. This existing facility is located in Ephrata Township, **Lancaster County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream, Cocalico Creek, is located in State Water Plan watershed 7-J and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.3 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|----------------------------|--------------------------|----------------|-----------------------------|---------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.42 | XXX | 1.38 |
| CBOD ₅ | 480 | 767 | XXX | 25 | 40 | 50 |
| | | Wkly Avg | | | | |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 575 | 863 | XXX | 30 | 45 | 60 |
| | | Wkly Avg | | | | |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 48 | XXX | XXX | 2.5 | XXX | 5.0 |
| Nov 1 - Apr 30 | 144 | XXX | XXX | 7.5 | XXX | 15 |
| Total Phosphorus | 38 | XXX | XXX | 2.0 | XXX | 4.0 |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| <i>Parameters</i> | <i>Mass (lbs)</i> | | <i>Concentration (mg/l)</i> | | |
|----------------------|-------------------|---------------|-----------------------------|------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | <i>Minimum</i> | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia—N | Report | Report | XXX | Report | XXX |
| Kjeldahl—N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |
| Net Total Nitrogen | Report | 54,550 | XXX | XXX | XXX |
| Net Total Phosphorus | Report | 6,818 | XXX | XXX | XXX |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition, the permit contains the following major special conditions:

- 25 lbs/yr of Total Nitrogen offsets was approved to be used for compliance with TN Cap Load.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

PA0087882, Sewage, SIC Code 5812, **Visaggio's Ristorante**, 6990 Wertzville Road, Enola, PA 17025-1037. Facility Name: Visaggio's Ristorante. This existing facility is located in Silver Spring Township, **Cumberland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Simmons Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.003 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | | <i>Average Monthly</i> | <i>Daily Maximum</i> | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 16 | XXX | 32 |
| Total Nitrogen | XXX | XXX | XXX | Report Annl Avg | XXX | XXX |
| Total Phosphorus | XXX | XXX | XXX | Report Annl Avg | XXX | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0262137, Sewage, SIC Code 6515, **Log Cabin Court Mobile Home Park**, 110 Inverness Drive, Blue Bell, PA 19422. Facility Name: Log Cabin Court Mobile Home Park. This proposed facility is located in Earl Township, **Lancaster County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream, Unnamed Tributary to Conestoga River, is located in State Water Plan watershed 7-J and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.014 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|----------------------------|--------------------------|----------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | | <i>Average Monthly</i> | | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2000 | XXX | 10000 |
| | | | | Geo Mean | | |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | XXX | XXX | XXX | 4.0 | XXX | 8.0 |
| Nov 1 - Apr 30 | XXX | XXX | XXX | 12 | XXX | 24 |
| Total Phosphorus | XXX | XXX | XXX | 0.5 | XXX | 1.0 |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| <i>Parameters</i> | <i>Mass (lbs)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | |
|----------------------|-------------------|---------------|----------------|-----------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia—N | Report | Report | XXX | Report | XXX |
| Kjeldahl—N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |
| Net Total Nitrogen | Report | 0 | XXX | XXX | XXX |
| Net Total Phosphorus | Report | 0 | XXX | XXX | XXX |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0262099, SIC Code 6514, **Brett W. Miller**, 10275 Clear Ridge Road, Everett, PA 15537. Facility Name: Miller Res. This proposed facility is located in West Providence Township, **Bedford County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated sewage.

The receiving stream(s), Unnamed Tributary of Clear Creek, is located in State Water Plan watershed 11-C and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|-----------------------------|----------------------------|-----|----------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | | | <i>Average Monthly</i> | | |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| CBOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0088757, SIC Code 4941, **Mount Union Municipal Authority Huntingdon County**, 9 W Market Street, Mount Union, PA 17066-1233. Facility Name: Mt Union Singers Gap WTP. This existing facility is located in Shirley Township, **Huntingdon County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated filter backwash.

The receiving stream(s), Singers Gap Run, is located in State Water Plan watershed 12-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.06 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|---|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.27 | XXX | 0.88 |
| Total Suspended Solids | Report | Report | XXX | 30 | 60 | 75 |
| Total Nitrogen | XXX | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | XXX | XXX | XXX | Annl Avg Report | XXX | XXX |
| Total Aluminum | Report | Report | XXX | 1.0 | 2.0 | 2.5 |
| Total Iron | Report | Report | XXX | 2.0 | 4.0 | 5.0 |
| Total Manganese | Report | Report | XXX | 1.0 | 2.0 | 2.5 |
| Total Zinc | Report | Report | XXX | Report | Report | XXX |
| Hardness, Total (as CaCO ₃) | XXX | XXX | XXX | Report | Report | XXX |
| Hardness, Total (as CaCO ₃) Intake | XXX | XXX | XXX | Report | Report | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0051764, SIC Code 7991, **Galen Hall Corp.**, 815 Lancaster Avenue, Reading, PA 19607-1636. Facility Name: Galen Hall Corporation. This existing facility is located in South Heidelberg Township, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage.

The receiving stream(s), Unnamed Tributary to Little Cocalico Creek, is located in State Water Plan watershed 7-J and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|----------------------------|-----|----------------|-----------------------------|-----|-----------------------------|
| | <i>Average Monthly</i> | | <i>Minimum</i> | <i>Average Monthly</i> | | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Residual Chlorine | XXX | XXX | XXX | Report | XXX | XXX |
| CBOD ₅ | XXX | XXX | XXX | 25 | XXX | 50 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 Geo Mean | XXX | 10,000 |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0026727, Sewage, SIC Code 4952, 221320, **Tyrone Borough Blair County**, 1100 Logan Avenue, Tyrone, PA 16686-1624. Facility Name: Tyrone Borough STP. This existing facility is located in Tyrone Borough, **Blair County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Little Juniata River, is located in State Water Plan watershed 11-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 9 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|----------------------------|--------------------------|----------------|-----------------------------|---------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| CBOD ₅ | 1,876 | 3,002 | XXX | 25 | 40 | 50 |
| | | Wkly Avg | | | | |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 2,252 | 3,378 | XXX | 30 | 45 | 60 |
| | | WklyAvg | | | | |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10000 |
| | | | | Geo Mean | | |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 338 | XXX | XXX | 4.5 | XXX | 9 |
| Nov 1 - Apr 30 | 900 | XXX | XXX | 12 | XXX | 24 |
| Total Antimony | 1.35 | XXX | XXX | 0.018 | XXX | 0.045 |
| Total Cadmium | 0.075 | XXX | XXX | 0.001 | XXX | 0.0025 |
| Hexavalent Chromium | 1.4 | XXX | XXX | 0.019 | XXX | 0.048 |
| Total Selenium | 1.2 | XXX | XXX | 0.016 | XXX | 0.040 |
| UV Transmittance (%) | XXX | XXX | Report | XXX | XXX | XXX |
| Bis(2-Ethylhexyl)Phthalate | 1.05 | XXX | XXX | 0.014 | XXX | 0.035 |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| <i>Parameters</i> | <i>Mass (lbs)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | |
|----------------------|-------------------|---------------|----------------|-----------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | | <i>Monthly Average</i> | <i>Maximum</i> |
| Ammonia—N | Report | Report | XXX | Report | XXX |
| Kjeldahl—N | Report | XXX | XXX | Report | XXX |
| Nitrate-Nitrite as N | Report | XXX | XXX | Report | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX |
| Total Phosphorus | Report | Report | XXX | Report | XXX |
| Net Total Nitrogen | Report | 164,381 | XXX | XXX | XXX |
| Net Total Phosphorus | Report | 21,918 | XXX | XXX | XXX |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

In addition, the permit contains the following major special conditions:

- The permittee is granted 1,850 lbs/year Total Nitrogen offsets to meet the Net Total Nitrogen cap load.
- Stormwater Requirements
- Pretreatment Program Implementation
- Option to conduct TRE

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is not in effect.

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PA0103896, Industrial Waste, SIC Code 4953, **County Landfill, Inc.**, P. O. Box 237, Leeper, PA 16233. Facility Name: County Landfill. This existing facility is located in Farmington Township, **Clarion County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated landfill leachate and stormwater.

The receiving stream(s), an unnamed tributary to Walley Run, is located in State Water Plan watershed 16-F and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00851 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| BOD ₅ | Report | Report | XXX | 37 | 140 | 140 |
| Total Suspended Solids | Report | Report | XXX | 27 | 88 | 88 |
| Oil and Grease | XXX | XXX | XXX | 15 | XXX | 30 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | XXX |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | XXX |
| | | | | Geo Mean | | |
| Ammonia-Nitrogen | Report | Report | XXX | 4.9 | 10 | 12.3 |
| Total Aluminum | 0.025 | 0.05 | XXX | XXX | XXX | XXX |
| Total Arsenic | 0.019 | 0.039 | XXX | 0.28 | 0.56 | 0.7 |
| Total Copper | XXX | Report | XXX | XXX | Report | XXX |
| Dissolved Iron | XXX | Report | XXX | XXX | Report | XXX |
| Total Iron | 0.321 | 0.462 | XXX | XXX | XXX | XXX |
| Total Manganese | 0.092 | 0.183 | XXX | XXX | XXX | XXX |
| Total Nickel | XXX | Report | XXX | XXX | Report | XXX |
| Total Thallium | 0.00047 | 0.00095 | XXX | 0.0067 | 0.013 | 0.016 |
| Total Zinc | Report | Report | XXX | 0.11 | 0.2 | 0.28 |
| Phenol | Report | Report | XXX | 0.015 | 0.026 | 0.038 |
| a-Terpineol | Report | Report | XXX | 0.016 | 0.033 | 0.04 |
| 1,4-Dioxane | XXX | Report | XXX | XXX | Report | XXX |
| Benzoic Acid | Report | Report | XXX | 0.071 | 0.12 | 0.18 |
| p-Cresol | Report | Report | XXX | 0.014 | 0.025 | 0.035 |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD.

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000000 MGD.

The proposed effluent limits for Outfall 004 are based on a design flow of 0.000000 MGD.

The proposed effluent limits for Outfall 005 are based on a design flow of 0.000000 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------------|----------------------------|--------------------------|----------------|-----------------------------|--------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | XXX | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Total Aluminum | XXX | XXX | XXX | XXX | Report | XXX |
| Total Copper | XXX | XXX | XXX | XXX | Report | XXX |
| Dissolved Iron | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |
| Total Manganese | XXX | XXX | XXX | XXX | Report | XXX |
| Total Zinc | XXX | XXX | XXX | XXX | Report | XXX |

In addition, the permit contains the following major special conditions:

- Requirement to Use eDMR System
- Chemical Additives
- Requirements Applicable to Stormwater Discharges

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

PA0005045, Industrial Waste, **Seneca Generation LLC**, 500 Powerhouse Drive, Warren, PA 16365-5501. Facility Name: Seneca Generation Station.

This existing facility is located in Mead Township, **Warren County**.

Description of Proposed Action/Activity: Transfer of existing NPDES permit from FirstEnergy Generation LLC to Seneca Generation LLC.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 6713201, Sewerage, **Hanover Foods Corporation**, 1486 York Street, PO Box 334, Hanover, PA 17331-0334.

This proposed facility is located in Penn Township, **York County**.

Description of Proposed Action/Activity: Upgrade and expansion of wastewater plant.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. WQG01251319, Sewage, **Gerald & Margaret Stoner**, 3893 Williams Road, Erie, PA 16510.

This proposed facility is located in Harborcreek Township, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

WQM Permit No. WQG02621301, Sewage, **Municipal Authority of the Township of Sheffield**, P. O. Box 821, Sheffield, PA 16347.

This proposed facility is located in Sheffield Township, **Warren County**.

Description of Proposed Action/Activity: Sewer extension to 6 residences on Kane Road East.

WQM Permit No. WQG01611301, Sewage, **Mark A. Landsberger**, 8900 Huron Trail, Negley, OH 44441.

This proposed facility is located in President Township, **Venango County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

IV. NPDES Applications for Stormwater Discharges from MS4

Northwest Regional Office: Regional Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, Telephone: 814.332.6942.

PAI138305, MS4, **Harborcreek Township Erie County**, 5601 Buffalo Road, Harborcreek, PA 16421. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Harborcreek Township, **Erie County**. The receiving streams, Fourmile Creek, Sixmile Creek, Sevenmile Creek, Eightmile Creek, and Twelvemile Creek, are located in State Water Plan watershed 15-A and are classified for Warm Water Fishes, Cold Water Fishes, Migratory Fishes, High Quality Fishes, aquatic life, water supply, and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA waiver is not in effect.

V. Applications for NPDES Waiver Stormwater Discharges from MS4

VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|-------------------------|----------------------------|
| PAI011513025 | Immaculata University—Ph 1 & 2 1145 King Road Immaculata, PA 19345 | Chester | East Whiteland Township | Valley Creek EV |
| PAI015113013 | Westrum Development Co 1300 Virginia Drive, Ste. 215 Fort Washington, PA 19034 | Philadelphia | City of Philadelphia | Schuylkill River WWF |

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Luzerne County Conserve District, 325 Smiths Pond Road, Shavertown, PA 18708

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|------------------------------------|---|
| PAI024013005 | PPL Electric Utilities Corporation Two North Ninth Street Allentown, PA 18101 | Luzerne | Forest Township Butler Township | Nescopeck Creek, (TSF, MF) UNT to Nescopeck Creek (CWF, MF) UNT to Little Nescopeck Creek (CWF, MF) Little Nescopeck Creek (CWF, MF) Pond Creek (HQ-CWF, MF) |

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701

Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI041403006R | Stearns Boal LP 100 N Patterson St State College PA 16801 | Centre | College Township | Spring Creek HQ-CWF |

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

| <i>Permit No.</i> | <i>Applicant & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Stream Name</i> |
|-------------------|---|---------------|---|---|
| PAI055611006-1 | Windber Area Authority 1700 Stockholm Ave Windber, PA 15963 | Somerset | Ogle and Paint Townships and Windber Borough | Clear Shade Run (HQ-CWF), Shade Creek (CWF), Roaring Fork (CWF), Weaver Run (CWF), and Seese Run (CWF) |

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 CAFOs

CAFO Notices of Intent Received

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

PAG123626 Amendment No. 1, CAFO, James E. Hershey, 338 Sunnyburn Road, Elizabethtown, PA 17022-9664.

This proposed facility is located in Mount Joy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Application to amend the existing permit to add two additional broiler houses that will hold 58,000 birds.

The receiving stream, Little Chickies Creek, is in watershed 7-G, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at

the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

Persons with a disability who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information should contact the SCC through the Pennsylvania AT&T Relay Service at (800) 654-5984.

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

| <i>Agricultural Operation Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Application</i> |
|--|---------------|------------------------|--|------------------------|---|---|
| Philadelphia Park Casino and Racetrack (d/b/a PARX) 3001 Street Road Bensalem, PA 19020 | Bucks | 452.4 | 1,500 | Horses | NA | Application Update Received; Ready for Approval |
| <i>Agricultural Operation Name and Address</i> | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Renewal/New</i> |
| Star Rock Dairy and Star Rock Farms, LLC 13845 Ted Wallace Road, Brogue, PA 17309 | York | 34.9 | 2,108.5 | Cattle | None | Renewal |
| Donald Martin 331 Greble Road Jonestown, PA 17038 | Lebanon | 90.5 | 302.78 | Poultry— Layers | NA | renewal |
| Beaver Ridge Farm, Inc 1400 Folwer Hollow Road Blain, PA 17066 | Perry | 213.47 | 386.15 | Swine | HQ-CWF | renewal |
| Malcolm Sonnen 101 Sonnens Road Richland, PA 17087 | Lebanon | 0 | 256.44 | Poultry— Layers | NA | renewal |

PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Application No. 4813511 Public Water Supply.

Applicant

**Miller Manor Home Owners
Association**
5455 Nor-Bath Boulevard
Northampton, PA 18067

[Township or Borough] East Allen Township
Northampton County

Responsible Official Volker Stoekman
Secretary/Treasurer

Type of Facility Public Water Supply

Consulting Engineer Nittany Engineering and
Associates, LLC
Kerry D. Tyson, P.E.
2836 Earlstown Road
Suite 1
Centre Hall, PA 16828

Application Received Date October 3, 2013

Description of Action This project provides for major
modifications to the public water
supply system including:
elimination of the existing below
grade vault and installation of a
new treatment building with
pitless adaptor unit; new well
pump; replacing the 75 gallon
pressure tank with a new 1,000
gallon hydro pneumatic tank;
installing (2) additional 120
gallon chlorine contact tanks;
and providing capability for a
portable emergency generator
hook-up.

*Southwest Region: Water Supply Management Program
Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-
4745*

Permit No. 2613511, Public Water Supply.

Applicant **Municipal Authority of
Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Township or Borough] Dunbar Township

Responsible Official Thomas Ceraso, Assistant
Manager
Municipal Authority of
Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co.,
Inc.
1004 Ligonier Street
Box 853
Latrobe, PA 15650

Application Received Date October 1, 2013

Description of Action Installation of approximately
67,263 feet of waterline, a new
pump station and improvements
to the Indian Creek water
treatment plant to provide water
to the Tenaska Energy facility.

*Northwest Region: Safe Drinking Water Program Man-
ager, 230 Chestnut Street, Meadville, PA 16335-3481*

Permit No. 3713505, Public Water Supply

Applicant **New Castle Estates, LLC**

Township or Borough North Beaver Township

County **Lawrence**

Responsible Official John D. King

Type of Facility Public Water Supply

Consulting Engineer Charles Niclaus, P.E.
Niclaus Engineering Corporation
804 Sarah Street
Stroudsburg, PA 18360

Application Received Date October 4, 2013

Description of Action Addition of chlorine contact
chamber.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

*Northeast Region: Safe Drinking Water Program Man-
ager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

Application No. 4013513MA

Applicant **Aqua Pennsylvania, Inc.**

[Township or Borough] Penn Lake Park Borough
Luzerne County

Responsible Official Patrick R. Burke, Regional
Manager
Northeast & Central Operations
Aqua Pennsylvania, Inc.
1 Aqua Way
White Haven, PA 18661

Type of Facility Community Water System

Consulting Engineer Jonathan W. Morris, PE
GHD, Inc.
326 East 2nd Street
Bloomsburg, PA 17815
570-387-5283

Application Received Date September 25, 2013

Description of Action Application for construction of a
large diameter chlorine contact
line at the Penn Lake Park well
station to provide 4-log
inactivation of viruses prior to
the water entering the system
storage tank.

Application No. 6613503, Minor Amendment.

Applicant **Laceyville Water Company**
265 Church Street
Laceyville, PA. 18623

[Township or Borough] Laceyville Borough
Wyoming County

Responsible Official Mr. Ken Patton
Mayor

Type of Facility Public Water Supply

Consulting Engineer Larson Design Group
Mr. Gregory M. Cummings, PE.
8836 State Route 434
Apalachin, NY 13732

Application Received Date October 7, 2013

Description of Action This project provides for modification to the drinking water system to include the abandonment of reservoirs 2 & 3 and the existing air stripper. It also involves modification to reservoir #1 replacing the existing metal roof including the addition of gutters and downspouts, coating the interior concrete walls with paint, installing vinyl siding on the reservoir exterior walls, providing a screened overflow pipe and vents and a new security gate and fence around the structure.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Application No. 5613509GWR, Minor Amendment.

Applicant **Addison Area Water Authority**
PO Box 13
Addison, PA 15411

[Township or Borough] Addison Borough

Responsible Official G. David Stemec, Operator
Addison Area Water Authority
PO Box 13
Addison, PA 15411

Type of Facility Water system

Consulting Engineer

Application Received Date October 10, 2013

Description of Action Demonstration of 4-log treatment for groundwater sources

Application No. 0213534MA, Minor Amendment.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
Hershey, PA 17033

[Township or Borough] West Mifflin Borough

Responsible Official David R. Kaufman, Vice
President-Engineering
Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Water system

Consulting Engineer

Application Received Date October 11, 2013

Description of Action Painting and blasting of the interior and exterior of the 7,268,000 gallon West Mifflin water storage tank.

Application No. 2613512MA, Minor Amendment.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
Hershey, PA 17033

[Township or Borough] Carroll Township

Responsible Official David R. Kaufman, Vice
President-Engineering
Pennsylvania American Water Company
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility Water system

Consulting Engineer

Application Received Date October 11, 2013

Description of Action Painting and blasting of the interior and exterior of the 500,000 gallon Eldora water storage tank.

Application No. 0213535MA, Minor Amendment.

Applicant **Pittsburgh Water & Sewer Authority**
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

[Township or Borough] City of Pittsburgh

Responsible Official Daniel Cleary, Project Manager
Pittsburgh Water & Sewer Authority
Penn Liberty Plaza I
1200 Penn Avenue
Pittsburgh, PA 15222

Type of Facility Water system

Consulting Engineer

Application Received Date October 7, 2013

Description of Action Installation of approximately 210 feet of 16-inch diameter waterline.

WATER ALLOCATIONS

Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631–641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200

WA 05-547D, Water Allocations. Saxton Borough Municipal Authority, Bedford County. The applicant is requesting the right to withdraw up to 300,000 gallons per day (gpd) for public water supply purposes from an existing intake on the Raystown Branch of the Juniata River located in **Bedford County**. Consulting Engineer: Mark V Glenn, Gwin, Dobson & Foreman, Inc. Application Received: 8/20/2009.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Kozik 2V Well Site, 467 Portman Road, Summit Township, **Butler County**. SAIC, 180 Gordon Drive, Suite 110, Exton, PA 19341, on behalf of XTO Energy, Inc., 502 Keystone Drive, Warrendale, PA 15086, submitted a Notice of Intent to Remediate. A release occurred that resulted in production water being spilled onto the ground and flowed overland to an un-named tributary of Coal Run. The proposed future use of the site will be non-residential. The selected cleanup standards for the site are Site-Specific and Statewide Health. The Notice of Intent to Remediate was published in *The Butler Eagle* on September 19, 2013.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

AutoZone-Chippewa Twp., Chippewa Twp. **Beaver County Mannik & Smith Group** 23225 Mercantile Road, Beachwood, OH 44122 on behalf of Beaver Falls Investors LLC 1585 Frederick Boulevard, Akron, Ohio 44320 has submitted a Notice of Intent to Remediate the soil and groundwater at the former gasoline filling station to meet the non-residential Statewide Health standard. Compounds included benzene, toluene, ethylbenzene, xylenes. Future use of the property will be non-residential. The notification of the NIR was published on September 6, 2013 in the *Beaver County Times*.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.

S End Water Storage Tank & Pump Station, 791 West Bridge Street Morrisville Borough, **Bucks County**. John Warena, Jr, The Municipal Authority of the Borough of Morrisville, 35 Union Street, Morrisville, PA 19067 on behalf of Bill Schmidt, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104 submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of other organics. The future use of the site will remain the same. The Notice of Intent to Remediate was published in *The Times Newspaper* on September 06, 2013. PF769233.

MNM Group Inc., 2421-A Wyandotte Road, Upper Moreland, **Montgomery County**. Greg Carson, MGM Group, Inc., 2421-A Wyandotte Road, Willow Grove, PA 19090 on behalf of Thomas Lloyd, EnviroSure, Inc., 103 South High Street, Suite 1, West Chester, PA 19382, Scott Smith, EnviroSure, Inc. 103 South High Street, Suite 1, West Chester, PA 19383 submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics. Future site use will remain non-residential. The Notice of Intent to Remediate was published in *The Intelligencer* on September 12, 2013 PF769585.

Jarrett Dodge, 335 South York Road, Borough of Hatboro, **Montgomery County**. Frank Jarrett, Jarrett Dodge, 335 South York Road, Hatboro, PA 19040 on behalf of Jeffrey Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglasville, PA 19518 submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of petroleum, motor oil. The intended future use of the property will remain commercial. The Notice of Intent to Remediate was published in *The Intelligencer* on September 05, 2013. PF759684.

300-302 MacDade, Boulevard Property, 300—302 MacDade Boulevard, Borough of Collingdale, **Delaware County**. Jon Nickel, 300-308 MacDade Blvd, LP, P. O. Box 6, Haverford, PA 19041, on behalf of Andrew Hubley, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406, David D. Waltz, The Bryn Mawr Trust Company, 801 Lancaster Avenue, Bryn Mawr, PA 19010, Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of diesel fuel, fuel oil no. 2, parameters and other TCL, VOCs. The second commercial tenant space is vacant but is planned to be used as a child day care center. PF760740.

Davis Residence, 809 Bryn Mawr Avenue, Radnor Township, **Delaware County**. Bancroft Davis, 809 Bryn Mawr Avenue, Newtown Square, PA 19073 on behalf of Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Richard Uerti, Petro Care, 2187 Atlantic Street, Stamford, CT 06902 submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of petroleum. The intended future use of the site is residential. The Notice of Intent to Remediate was published in *Delaware County Daily Times* on August 22, 2013. PF768382.

3100 West Thompson Street Site, 3100 West Thompson Street, City of Philadelphia, **Philadelphia County**. John Merzhom, Westrum BT3, L.P., 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034, on behalf of Angelo Waters, PE, LEED AP, Urban Engineers Inc. 530 Walnut Street, 14th Floor, Philadelphia, PA 19106, Lawrence McKnight, PE, LEED GA, We strum BT3, L.P., 1300 Virginia Drive Suite 215, Fort Washington, PA 19034 submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release VOCs, SVOCs, and metals. The intended future use of the property is a residential apartment community. PF742768.

Langheim Residence, 120 North Midland Avenue, Lower Providence, **Montgomery County**. Kenneth Langheim, 120 North Midland Avenue, Norristown, PA 19403, on behalf of Staci Cottone, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422, submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 heating oil. The intended future use of the property remains residential. PF766082.

Fuad Sadik Property, 39 West Forge Road, Middletown Township, **Delaware County**. Fuad Sadik, 39 West Forge Road, Glen Mills, PA 19342 on behalf of David Chandler, B.S., Mountain Research, LLC, 825 25th Street, Altoon, PA 16601, Jason Bean, Allstate Insurance Company, 309 Lakeside Drive, Suite 100, Horsham, PA 19044 submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The intended future use of the property will continue to be a residential dwelling. The Notice of Intent to Remediate was published in the *Town Talk Newspaper* on April 17, 2013. PF769228.

172 Chambers Road Site, 172 Chambers Road, New Garden Township, **Chester County**. Mary Lou Daddezio, 172 Chamber Road, Toughkenamon, PA 19374, on behalf of David B. Farrington, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Christina Ruble, Brickhouse Environmental, 515 South Franklin

Street West Chester, PA 19382 submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 heating oil, mtbe. The Notice of Intent to Remediate was published in the *Daily Local News* on August 15, 2013. PF768858.

Foamex Facility, 1500 East Second Street, Eddystone Borough, **Delaware County**. Cynthia McKeown, Camden Iron & Metal, LLC, 413 Harding Avenue, Bellmawr, NJ 08031 on behalf of Darryl D. Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004, Michael A. Christie, PG, Penn E&R Inc., 2755 Bergey Road, Hatfield PA 19440 submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of VOCs, PAH Compounds, metals. No future use of the property is currently planned; however, the future use will likely be non-residential. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on August 9, 2013. PF733023.

Bartrams Trail Between 56th & 58th Street, 300 South 56th Street, City of Philadelphia, **Philadelphia County**. Monica Trudeau, Philadelphia Authority for Industrial Development, 2600 Center Square West, 1500 Market Street, Philadelphia, PA 19102 on behalf of Jennifer L. Gresh, P.G., Duffield Associates, Inc., 211 North 13th Street, Suite 704, Philadelphia, PA 19107, Christopher Dougherty, Philadelphia Parks & Recreation, One Parkway Building 1515 Arch Street, 10th Floor, Philadelphia, PA 19102 submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of PAHs, arsenic, lead. The future use will remain the same. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on August 8, 2013. PF768853

Pine Road/Red Lion Road Open Space Area, Red Lion/Pine Roads, Lower Moreland Township, **Montgomery County**. Gregory T. Rogerson, JERC Partners, XIII, L.P. 171 State Route 173 Suite 201, Asbury, NJ 08802-1365 on behalf of Gary Emmanuel, O'Brien & Gere Engineers, Inc, 301 East Germantown Pike 3rd Floor, East Norriton, PA 19401, submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of organic compounds and cobalt. The property has been used as a golf course since 2000 and the proposed future use of the property is residential (open space) on a 23-acre portion of the property. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on August 5, 2013. PF68665

Superior Industries, Ltd., 701 Wheatland Street, PO Box 547, Phoenixville, PA 19460 Phoenixville Borough, **Chester County**. Thomas A. Marabel, Jr, Superior Industries, Ltd., 701 Wheatland Street, PO Box 547, Phoenixville, PA 19460 on behalf of Brittany L. Potter, Center Point Tank Services, Inc., 536 East Benjamin Franklin Highway, Douglassville, PA 19518 submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of benzene in soil and above standard concentrations of benzene, naphthalene and phenanthrene in groundwater. The intended future use of the property is non-residential. PF616998.

809 Sproul Street, 809 Sproul Street, City of Chester, **Delaware County**. Robert J. Lavin, 1508 Carter Place West Chester on behalf of Richard Sack, IES Engineers, Inc., 1720 Walton Road, Blue Bell, PA 19422, Brian Crimmins, Crozer Keystone Health System, 100 West Sproul Road, Springfield, PA 19064, James P. Duffy, New Chester Holdings, LP. 1120 Clover Lane, Glen Mills, PA 19342 submitted a Notice of Intent to Remediate. Soil at

the site has been impacted with the release of no. 2 fuel oil. The property has a large commercial building that is currently being used for youth education program. PF768863

1005 Virginia Drive Site, 1005 Virginia Drive, Upper Dublin, **Montgomery County**. Richard Previdi, Alliance HSP Fort Washington Office 1 LP, 40 Morris Avenue, Suite 230, Bryn Mawr, PA 19010 on behalf of Isabelle Gosselin, Labatt Breweries, of Canada LP, 50 Labatt Street, Montreal (Quebec) H8R 3E7, Dallas Mellott, Tetra Tech, 23 Mall Blvd, King of Prussia, PA 19406 submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of chlorinated solvents, PCE, TCE. The current and future use of the property is for commercial and industrial purposes. PF768876

Buggy Residence, 4750 Anaconda Road, Bensalem Township, **Bucks County**. Ay Buggy, 4750 Anaconda Road, Bensalem, PA 19020 on behalf of Dan Yonker, Phoenix Consulting, LLC, P.O. Box 229, 183 Bridge Street, Phoenixville, PA 19460, Thomas Hippensteal, Envirosearch Consulting, Inc., P.O. Box 940, Springhouse, PA 19477 submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The property will remain residential. PF768877

US Magnet Site, 85 North Main Street, Yardley Borough, **Bucks County**. Robert White, Redevelopment Authority County of Bucks, One North Wilson Avenue, Bristol, PA 19007 on behalf of Samuel W. Galenty, G.I.T., Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110 King of Prussia, PA 19406, Richard S. Werner, P. G., Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110 King of Prussia, PA 19406, Anthony Cino, Cold Springs Investment Group, L.P., 301 Oxford Valley Road, Suite 702, Yardley, PA 19067 submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic, antimony, cobalt, lead, mercury, nickel. Dieldrin, and no. 4, 5, 6 fuel oil. The intended future use of the subject property is residential. The Notice of Intent to Remediate was published in the *Advance of Bucks County* on July 7, 2013. PF633827

Ziegler Floral, Inc. Property, 1756 and 1760 Dreshertown Road, Upper Dublin Township, **Montgomery County**. Adam Zieger, Ziegler Floral, Inc., 1756 Dreshertown Road, Dresher, PA 19025 on behalf of Terence A. O'Reilly, PG, Tri Sate Environmental Management Services, Inc., 368 Dunksferry Road, Bensalem, PA 19020, Richard R. McBride, Esq. The Cutler Group, Inc., 5 Apollo Road, Suite One, Plymouth Meeting, PA 19462 submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of arsenic, lead, and target PAHs. The intended future use of the property is residential. The Notice of Intent to Remediate was published in the *Intelligencer* on August 15, 2013. PF713282

RESIDUAL WASTE GENERAL PERMITS

Permit Issued under the Solid Waste Management Act (35 P.S. §§ 6018.101–6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101–4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR101D001. Ervin Industries Inc., 681 East Butler Road, Butler, PA 16002. General Permit Number WMGR101D001 authorizes the beneficial use of steel and iron slag as an additive in asphalt pavement material. The general permit was issued by Central Office on October 1, 2013.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

General Permit Application No. WMGR089. Magnesita Refractories Company, 425 South Salem Church Road, York PA 17408. General Permit Number WMGR089 authorizes the beneficial use of lime kiln dust as a soil amendment, for stabilization/solidification of soils and sludges, treatment of acid mine drainage, alkaline activator in cements, grouts in mine reclamation, for roadway subbase, stabilization and conditioning, as filler in agricultural and construction products, and as construction material in nonresidential projects. The general permit was renewed by Central Office on September 20, 2013.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit Application No. WMGR096SW003. Redevelopment Authority of Allegheny County, Carrie Furnace Redevelopment, 425 Sixth Avenue, Suite 800, Pittsburgh, PA 15219. A renewal for the continued coverage under residual waste general permit for use of regulated fill as a construction material for redevelopment of the former Carrie Furnace steel mill site adjacent facilities located in Rankin and Swissvale Boroughs, **Allegheny County**. The application was deemed administratively complete by the Regional Office on September 19, 2013.

Comments concerning the application should be directed to Diane McDaniel, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in reviewing the general permit or obtaining more information about the general permit application may contact the DEP Southwest Regional Office at 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGM019D006. Rohrer Quarry, Inc., 16 Lititz Road, Lititz, PA 17543.

The Department of Environmental Protection, Bureau Waste Management has received an application for a renewal of a determination of applicability (DOA) under the Municipal Waste General Permit (No. WMGM019) for Rohrer Quarry, Inc., located in Lancaster County. This general permit is for the processing and beneficial use of: (1) concrete and asphalt as construction material and (2) hardwood timber and uncontaminated soil to create topsoil and mulch for commercial purposes. The Department determined the renewal application to be administratively complete on October 2, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at rapbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGM019D006" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

General Permit No. WMGM039-SC006. Blair County Resource Recovery Facility, Inc., 1356 Old 6th Avenue Road, Altoona, PA 16603. The Department of Environmental Protection has received an application under General Permit WMGM039 from Blair County Resource Recovery Facility, Inc. This Determination of Applicability is for their location at 1356 Old 6th Avenue Road, Altoona, PA 16603 in Logan Township, **Blair County** and is for the processing and beneficial use of post-consumer and pre-consumer asphalt shingles as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, and as a component or ingredient in fuel used in cement or manufacturing or in the generation of steam or electricity.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920

46-0001A: JBS Souderton, Inc. (741 Souder Road, Souderton, PA 18964) for installation of a flue gas recirculation system on an existing 25.4 MMBtu/hr York

Shipley Boiler (Source ID 031) at their rendering plant in Franconia Township, **Montgomery County**. JBS is a major source of Nitrogen Oxide (NO_x) emissions, currently operating under Title V Operating Permit No. 46-00001. The installation will not trigger New Source Review or Prevention of Severe Deterioration for any criteria pollutant, including Greenhouse Gases. The source is not subject to Compliance Assurance Monitoring pursuant to 40 CFR Part 64 because the potential pre-control NO_x emissions are less than the major facility threshold for the Philadelphia Consolidated Metropolitan Statistical Area (25 tpy). The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

47-00001M: PPL Montour LLC (P.O. Box 128, Washingtonville, PA 17884-0128) for a plan approval to establish performance or emissions standards for the auxiliary boilers located at the Montour SES, which is located in Derry Township, **Montour County**. The Department has incorporated the major source boiler MACT requirements from 40 CFR Part 63 Subpart DDDDD as applicable to the auxiliary boilers at the Montour SES facility. Auxiliary boiler 11B is authorized to operate under the facility Title V operating permit (TVOP 47-00001). Auxiliary boiler 11A is authorized for construction and operation pursuant to the terms and conditions of Plan Approval 47-00001E. All existing requirements from the previous air quality authorizations remain in effect for these existing sources. There will be no increase in emissions of air contaminants associated with this plan approval. The facility has elected to restrict operation of Unit 11B in order to be exempt from the requirements of Subpart DDDDD except for the requirements to perform a tune-up prior to January 31, 2016 and every 5 years thereafter as well keep records of the fuel usage for the days the unit has operated to verify compliance with the capacity factor restriction. There is monitoring, recordkeeping and reporting requirements established in the plan approval in order to verify compliance with the applicable requirements from Subpart DDDDD of 40 CFR Part 63.

Based on the above, the Department intends to issue a plan approval in order to process the above referenced application. The facility will continue to be a major (Title V) facility. Additionally, if the Department determines that the sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V Operating Permit 47-00001 via an administrative amendment.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable air quality regulatory requirements:

1. Pursuant to 40 CFR 63.7500(a) and (f), the rate of emission from the exhaust of Source ID 033A, Boiler 11A, shall not exceed the limits as follow; (i) carbon monoxide—130 ppm, dry basis, corrected to 3% oxygen; and (ii) filterable particulate matter—0.0079 lb/MMBtu of heat input or total selected metals—0.000062 lb/MMBtu of heat input

2. (a) No later than July 29, 2016, the permittee shall conduct an EPA reference method performance testing program(s) on Boiler 11A as part of the initial compliance demonstration.

3. As part of the initial compliance demonstration requirements and prior to the initial conducting an EPA reference method performance testing program, the permittee shall obtain Phase I approval for the continuous monitoring systems that are required to be installed, maintained and operated according to 40 CFR Part 63, Subpart DDDDD and 25 Pa. Code Chapter 139.

4. (a) The permittee shall comply with the applicable notification, reporting and recordkeeping requirements as specified in 40 CFR 63.7545, 63.7550 and 63.7555.

5. Pursuant to 40 CFR 63.7500(a)(1), the permittee shall comply with the tune-up requirements, as specified in 40 CFR 63.7540(a)(10)—(14). The frequency of tune-up for Boiler 11A is every 2 years and for Boiler 11B, Source ID 034, every 5 years.

Any person(s) wishing to protest issuance of the plan approval that they believe should be considered in the Department's review of the respective plan approval application may do so by submitting the protest or comments in writing to the Department at the address listed below. Protests or comments must be received by the Department within 30 days from the last date of this publication in order to be considered. Each written protest or comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval (specify Plan Approval No. 47-00001M) and a concise statement explaining the relevancy of the protest or comments to issuance of the plan approval.

A public hearing may be held, if the Department in its discretion, decides that such a hearing is warranted based on the information received. All persons protesting the issuance of the plan approval, submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a newspaper of general circulation in the area, or by letter or telephone, if the Department determines such notification is sufficient.

A copy of the plan approval application and all pertinent document used in the evaluation of the application are available for public review between 8 a.m. and 4 p.m. at the Department's North Central Regional Office. Appointments for scheduling a review may be made by calling the Department at 570.327.0550. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, North Central Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570.327.3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodations to participate should contact the Department's North Central Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800.654.5984.

19-00024A: Benton Foundry, Inc. (5297 State Route 487, Benton, PA 17814-7641) for a plan approval to modify and expand their finishing department by constructing new grinders and shot blast machines and replacing an existing fabric collector with a new air pollution control system consisting of a knock out box and a 60,000 acfm fabric filter collector at their iron foundry in Sugarloaf Township, **Columbia County**. The expansion

sion of the finishing department is subject to the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The Department has determined that the proposed levels of the air contaminants emissions satisfy the Department's BAT requirements.

Based on the findings presented above, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P120 is the finishing department at the foundry consisting of the following existing sources:

- Eight (8) manual grinders
- Two (2) robotic grinding system
- Two (2) shot blast machines
- One (1) spinner hanger shot blast machine
- One (1) cut off saw

and the following new sources constructed pursuant to this plan approval:

- Two (2) manual Setco 307/Fox 423 manual grinders (or equivalent)
- One (1) Wheelabrator model 28 Super shot blast machine
- Two (2) Fox 424 robotic grinding machines
- One Foxall 636 robotic grinding machine
- One Vulcan/Fox continuous shot blast machine

The air contaminant emissions from all of Source ID P120 shall be controlled by a knock out box and a 60,000 acfm fabric filter collector.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the total particulate matter emissions in the exhaust of the fabric filter collector shall not exceed 0.005 grains per dry standard cubic foot.

3. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, there shall be no visible emissions present in the exhaust of the fabric filter collector associated with the finishing department.

4. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the fabric filter collector associated with the finishing department shall be equipped with instrumentation which

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the air compressor that supplies compressed air to the fabric filter collector shall be equipped with an air dryer and oil trap.

6. (a) Within 120 days of the installation of the fabric filter collector authorized by this plan approval, the permittee shall conduct particulate matter stack testing upon the exhaust of the fabric collectors to determine compliance with the particulate matter emission limitations for the collectors.

(b) At least sixty (60) days prior to the performance of the stack testing required by this condition, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations.

(c) The Department shall be given at least fourteen (14) days advance notice of the scheduled dates for the performance of the stack testing required by this condition.

(d) Within sixty (60) days of the completion of the stack tests required by this condition, two copies of the test report shall be submitted to the Department. This report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

7. The permittee shall notify the Department within 30 days of selection of the specific make and model of the fabric filter collector with documentation which supports that the unit can meet the particulate matter emission limitation.

8. The permittee shall record the pressure drop across the fabric filter collector associated with the finishing department at least once per day. These records shall be retained for a minimum of five years and be presented to the Department upon request.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 19-00024A) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

AMS 13165: Philadelphia West Eco-Energy Distribution Services (Delaware and Governors Avenue Philadelphia, PA 19148) for Installation and operation of 4 tanks of capacity 3.6 mmgal each for ethanol and crude oil storages and the transfer of crude oil and ethanol from truck racks and barge racks with a vapor combustion system (VCS) In the City of Philadelphia, **Philadelphia**

County. A volatile Organic Compound emission at the facility is limited to less than 25 tons per rolling 12-month period.

The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

Copies of all documents and information concerning this plan approval are available for review in the offices of AMS, room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents or to submit written comments should contact Ms. Karen Smith (215 685-9493) at the above address. All written comments must be received within 30 days from the date of this public notice. Comments received by facsimile will not be accepted.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00025: Johnson Matthey, Inc. (900 River Road, Conshohocken, PA 19428), located This action is a renewal of the original Title V Operating Permit in Upper Merion Township, **Montgomery County** which was issued on December 4, 2008. This proposed renewal of the Title V Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. Some sources have been, however, been removed or replaced from the facility. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

65-00853: ArcelorMittal-Monessen, LLC (345 Donner Avenue, Monessen, PA 15062). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue an initial Title V Operating Permit (TV-65-00853) to ArcelorMittal-Monessen, LLC for the operation of the Monessen Coke Plant, located in the City of Monessen, **Westmoreland County**.

The principle sources of air emissions at this facility include two (2) by-product coke oven batteries (1B and 2), where operation thereof consists of raw material charging, product pushing and quenching, and battery soaking; stockpiling and material handling operations; a coke oven gas (COG) desulfurization plant; two (2) COG-fired boilers each rated at 186 MMBtu/hr; a coke oven byproducts recovery plant; and COG flares.

The Monessen Coke Plant is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permit requirements). In 2008, ArcelorMittal-Monessen reported emitting the following type and quantity of air contaminants (on an annual basis) from the Monessen Coke

Plant: 269.9 tons of carbon monoxide (CO), 424.4 tons of nitrogen oxides (NO_x), 41.3 tons of particulate matter, 10-micron (PM₁₀), 30.6 tons of particulate matter, 2.5-micron (PM_{2.5}), 395.6 tons of sulfur oxides (SO_x), 39.3 tons of volatile organic compounds (VOC), 6.4 tons of benzene (a hazardous air pollutant), 17.75 tons of hazardous air pollutants (combined). The Monessen Coke Plant also has the potential to emit approximately 282,000 tons of greenhouse gases (GHGs).

The emission restrictions and testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 61, 63, 68, and 70, and 25 Pa. Code Chapters 121—145.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Title V Operating Permit 65-00853) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests, and requests for a public hearing should be directed to Devin P. Tomko, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Devin P. Tomko at (412) 442-5231.

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00154: Bucks County Water and Sewer Authority (1275 Almshouse Road, Warrington, PA 18976) for a renewal for a Non-Title V Facility, State-Only, Natural Minor Permit in Doylestown Township, **Bucks County** at their facility at Pine Run Road and Old Dublin Pike. Bucks County Water and Sewer Authority is a sewage treatment plant. The sources of emissions include an emergency generator and the wet well controlled by a scrubber. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

40-00012: Pa. Department of Corrections—Retreat SCI (PO Box 598, Camp Hill, PA 17001-0598) for a renewal state only (synthetic minor) operating permit for a corrections facility in Newport Township, **Luzerne County**. The facility's main sources include three (3) #2 fuel oil fired boilers. The facility is taking site level limitations on fuel type and usage in order to maintain synthetic minor status. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

39-00021: Lehigh Valley Hospital (17th and Chew Streets, Allentown, PA 18105-7017) a renewal state only (synthetic minor) operating permit for a medical facility in the City of Allentown, **Lehigh County**. The facility's main sources include three (3) gas and #2 fuel oil fired boilers and two (2) diesel fired emergency generators. The facility is taking limitations on #2 fuel oil usage and operating hours in order to maintain synthetic minor status. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

01-03022: Agricultural Commodities, Inc. (1585 Granite Station Road, Gettysburg, PA 17325) for operation of an animal feed manufacturing plant in Straban Township, **Adams County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

Actual 2012 emissions at the facility are estimated to be 29.2 tons per year of PM, 2.8 tons per year of NO_x, 1.7 ton per year of CO and less than one ton each of SO_x, VOC and HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart DDDDDDD—National Emission Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing and 40 CFR Part 60, Subpart Dc—Standards of

Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments, protests or requests for a public hearing.

Mr. Gary Helsel, P.E., Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

17-00025: K & F Wood Products, Inc. (84 Sawmill Street, Beccaria, PA 16616) for renewal of the State Only Operating Permits for their facility in Beccaria Township, **Clearfield County**. The facility is currently operating under the State Only operating permit 17-00025. The facility's sources include two wood-fired boilers and wood working equipment. The facility has potential emissions of 8.53 tons per year of nitrogen oxides, 10.07 tons per year of carbon monoxide, 0.44 ton per year of sulfur oxides, 62.09 tons per year of particulate matter and 1.19 ton per year of volatile organic compounds 0.63 ton per year of total hazardous air pollutants (HAPs), and 58,464 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The emission restriction, testing, monitoring, recordkeeping, reporting, and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Part 60, and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327-0550.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this operating permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed operating permit (specify State

Only Operating Permit No. 17-00025) and concise statements regarding the relevancy of the information or objections to issuance of the operating permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew M. Williams—Telephone: 814-332-6131

20-00130: Meadville Forging (15309 Baldwin Street Extension PO Box 459 Meadville, PA 16335) for renewal of the Natural Minor Operating Permit for iron and steel forgings in Meadville City, **Crawford County**. The facility's primary emission sources include presses, hydraulic and mechanical shears, electric discharge machines (EDMs) to cut metal, heat treating units, preheating units, shot blasters, parts washers, and emergency generators. The dry abrasive blasting and machining operations are subject to 40 CFR 63 Subpart XXXXXX—NESHAPs for Nine Metal Fabrication and Finishing Source Categories. The emergency generators are subject to 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines. The facility is an Area Source for all pollutants including HAPs. The conditions of the previous operating permit, the previous plan approvals, and the new Federal requirements are incorporated into the renewal permit.

25-00360: The Electric Materials Co. (PO Box 390, North East, PA 16428) to renew a State Only Operating Permit for the copper products manufacturing facility in the Borough of North East, **Erie County**. The facility is a Synthetic Minor. The primary sources at the facility include emissions from furnaces including induction furnaces, degreasing operations including a Trichloroethylene vapor degreaser, shot blasting operations, dip tanks, core machines, and natural gas combustion. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. This facility is subject to 40 CFR Part 63 Subpart T—National Emission Standards for Halogenated Solvent Cleaning, for which the applicable requirements are included in the renewal permit. The facility has taken federally-enforceable emissions restrictions of less than 25 tons VOCs per year and less than 10 tons any individual HAP per year and less than 25 tons all HAPs combined per year. Potential emissions from the facility are < 10 tpy for any single HAP and < 25 tpy total HAPs; VOC's < 50 tpy; NO_x, 45.81 tpy; SO_x, 0.17; CO, 17.48 tpy; PM, 93.05 tpy. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

42-00147: W. R. Case & Sons Cutlery Co. (PO Box 4000, Bradford, PA 16701) to renew a State Only Operating Permit for their cutlery manufacturing facility in Bradford Township, **McKean County**. The primary sources at the facility are 4 scrap collection systems, dust collection systems, a cold cleaning machine, 5 natural gas space heaters, and a 100 kW natural gas fueled emergency generator. Potential Emissions for the site are less than the Title V thresholds. The facility is a Natural Minor. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

40-00118A: Valmont Newmark, Inc. (225 Kiwanis Boulevard West Hazleton, PA 18202) for their facility located in West Hazleton Borough, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Valmont Newmark, Inc. (225 Kiwanis Boulevard West Hazleton, PA 18202) for their facility located in West Hazleton Borough, Luzerne County. This Plan Approval No. 40-00118A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00118A is for plasma cutting operations, which is subject to MACT Subpart XXXXXX requirements. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00118A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

45-00015A: Tarheel Quarry, LLC (Tarheel Quarry) (PO Box 900, Blakeslee, PA 18610) for their facility in Tobyhanna Township, **Monroe County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Hazleton Hiller, LLC (Stockton Mountain Road Site) (414 Stockton Mountain Road, PO Box 435, Hazleton, PA 18201) for their facility located in Hazle Twp, Luzerne County. This Plan Approval No. 40-00126A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00126A is for (1) Williams Crusher Model Slugger C32, (1) Carrier Vibrating Equipment Model Qad-4860S-20-6. The crushing operation is subject to NSPS Subpart Y requirements. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00126A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation

Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company, LLC, (PO Box J, 1525 Pleasant Grove Rd., Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in Morris Township, **Washington County** and related NPDES permit to install the 4 North #1 Airshaft Portal and Bathhouse Site. Surface Acres Proposed 1.3. No additional discharges. The application was considered administratively complete on October 8, 2013. Application received August 8, 2013.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56130110 and NPDES No. PA0269263. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger min in Shade Township, **Somerset County**, affection 683.6 acres. Receiving streams: unnamed tributaries to/and Fallen Timber Run; unnamed tributaries to the Stonycreek River, classified for the following uses: cold water fisheries; trout stocked fishery. The first downstream potable water supply intake from the point of discharge is Hooversville Borough. Application received: September 20, 2013.

This application includes the following encroachments to streams and wetlands within the proposed permit area. All of the following encroachments have already been approved under the previously issued surface mining permit No. 56090112.

- Conducting mining activities within 100 feet of Fallen Timber Run, Unnamed Tributary "D" to Fallen Timber Run, and the Unnamed Tributaries "F" & "G" to Stonycreek River. Activities include construction of ponds and ditches, coal removal, and temporary storage of topsoil & spoil.

- Relocation of Fallen Timber Run as part of an environmental enhancement plan to return Fallen Timber Run to its approximate original channel location from its current location near a previously mined spoil area. The relocation area begins 8,900 feet above SR 403 and continues for approximately 1140 feet upstream.

- Unnamed Tributaries "D" and "G" will be mined through and reestablished after mining is completed. These tributaries currently enter surface voids therefore their reconstruction will constitute an environmental enhancement.

- Unnamed Tributary "F" will be crossed by a haul road and a culvert pipe will be installed.

- A stream crossing will be established on Fallen Timber Run for the purpose of tramming equipment. The proposed crossing is located approximately 12,000 feet upstream from SR 403 and 1/4 mile west of Fallen Timber Road.

- 0.5 acre of wetlands will be impacted due to the relocation of Fallen Timber Run. The impacted wetlands

will be mitigated by constructing 0.5 acre of replacement wetlands adjacent to existing wetlands when constructing the replacement channel for Fallen Timber Run.

The encroachments listed above have received 401 certification under the previously issued surface mining permit No. 56090112.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

03900109 and NPDES Permit No. PA0200476. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). Renewal application for reclamation only of an existing bituminous surface mine located in Kittanning Township, **Armstrong County**, affecting 92.5 acres. Receiving streams: Campbell Run to Crooked Creek to Allegheny River, classified for the following use: WWF (warm water fishes). There is no potable water supply intake within ten miles downstream from the point of discharge. Renewal application received: October 8, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

49871304R5. West Cameron Mining, (3207 Upper Road, Shamokin, PA 17872), renewal of an existing anthracite underground mine operation for reclamation activities only in West Cameron Township, **Northumberland County** affecting 6.0 acres, receiving stream: Mahanoy Creek, classified for the following use: warm water fishes. Application received: September 16, 2013.

Noncoal Applications Denied

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 29120801. TMS Excavating, LLC, 226 Reservoir Road, McConnellsburg, PA 17233, commencement, operation and restoration of a small noncoal operation in Ayr Township, **Fulton County**, affecting 4.1 acres, receiving stream: Big Cove Creek. Permit received:

March 5, 2012. Permit denied October 3, 2013.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

| <i>Parameter</i> | <i>Table 2</i> | | |
|--------------------------------------|---------------------------|---------------------------------|----------------------------------|
| | <i>30-day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
| Suspended solids | 10 to 35 mg/l | 20 to 70 mg/l | 25 to 90 mg/l |
| Alkalinity exceeding acidity* pH* | | greater than 6.0; less than 9.0 | |

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 11130301 and NPDES No. PA0269255. Laurel Sand & Stone, Inc., 210 E. Main Street, P. O. Box 556, Ligonier, PA 15658, commencement, operation and restoration of a large noncoal (industrial minerals) operation in Jackson Township, **Cambria County**, affecting, 57.0 acres. Receiving streams: unnamed tributaries to Bracken Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 24, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

39880301A1C9 and NPDES Permit No. PA0594199. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in North Whitehall Township, **Lehigh County** affecting 131.75 acres, receiving stream: Coplay Creek, classified for the following use: cold water fishes. Application received: September 12, 2013.

8173SM1C17 and NPDES Permit No. PA0594148. Hanson Aggregates PA, Inc., (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in East Caln and West Whiteland Townships, **Chester County** affecting 303.62 acres, receiving stream: unnamed tributary to Valley Creek, classified for the following uses: cold water and warm water fishes. Application received: September 13, 2013.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

| <i>Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|----------------------------------|---------------------------|---------------------------------|----------------------------------|
| Iron (Total) | 3.0 mg/l | 6.0 mg/l | 7.0 mg/l |
| Manganese (Total) | 2.0 mg/l | 4.0 mg/l | 5.0 mg/l |
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |
| pH* | | greater than 6.0; less than 9.0 | |
| Alkalinity greater than acidity* | | | |

* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

| <i>Parameter</i> | <i>30-day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|-------------------------------|---------------------------|---------------------------------|----------------------------------|
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |
| Alkalinity exceeding acidity* | | | |
| pH* | | greater than 6.0; less than 9.0 | |

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100

NPDES No. PA0235989 (Mining Permit No. 56100701), Wilson Creek Energy, LLC, (609 Georgian Place, Somerset, PA 15501). A revision to the NPDES and mining activity permit for the Milford #3 CRDA in Milford Township, **Somerset County** to expand the coal refuse disposal area by 47.7 acres, add two NPDES outfalls, and relocated three outfalls. Surface Acres Affected 137.1. Receiving stream: Unnamed Tributary to South Glade Creek, classified for the following use: WWF. Casselman River TMDL. The application was considered administratively complete on January 24, 2013. Application received July 24, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

Outfall 001 discharges to: Unnamed Tributary #2 to South Glade Creek

The proposed effluent limits for *Outfall 001* (Lat: 39° 57' 47" Long: 79° 10' 02") are:

| <i>Parameter</i> | | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|------------------------|----------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow | (mgd) | | - | 0.08 | - |
| Iron | (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese | (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum | (mg/l) | | 0.75 | 1.5 | 1.9 |
| Osmotic Pressure | (mos/kg) | | - | - | REPORT |
| Sulfates | (mg/l) | | 50 | 50 | 50 |
| Total Dissolved Solids | (mg/l) | | - | - | REPORT |
| Suspended Solids | (mg/l) | | 35 | 70 | 90 |
| Chlorides | (mg/l) | | - | - | REPORT |

Outfall 002 discharges to: Unnamed Tributary #3 to South Glade Creek

The proposed effluent limits for *Outfall 002* (Lat: 39° 57' 30" Long: 79° 10' 08") are:

| <i>Parameter</i> | | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|------------------------|----------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow | (mgd) | | - | 0.07 | - |
| Iron | (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese | (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum | (mg/l) | | 0.75 | 1.5 | 1.9 |
| Osmotic Pressure | (mos/kg) | | 50 | 50 | 50 |
| Sulfates | (mg/l) | | - | - | REPORT |
| Total Dissolved Solids | (mg/l) | | - | - | REPORT |
| Suspended Solids | (mg/l) | | 35 | 70 | 90 |
| Chlorides | (mg/l) | | - | - | REPORT |

Outfall 003 discharges to: Unnamed Tributary #2 to South Glade Creek

The proposed effluent limits for *Outfall 003* (Lat: 39° 57' 46" Long: 79° 10' 02") are:

| <i>Parameter</i> | | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|------------------------|----------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow | (mgd) | | - | 0.18 | - |
| Iron | (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese | (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum | (mg/l) | | 0.75 | 1.5 | 1.9 |
| Osmotic Pressure | (mos/kg) | | 50 | 50 | 50 |
| Sulfates | (mg/l) | | - | - | REPORT |
| Total Dissolved Solids | (mg/l) | | - | - | REPORT |
| Suspended Solids | (mg/l) | | 35 | 70 | 90 |
| Chlorides | (mg/l) | | - | - | REPORT |

Outfall 004 discharges to: Unnamed Tributary #3 to South Glade Creek

The proposed effluent limits for *Outfall 004* (Lat: 39° 57' 30" Long: 79° 10' 02") are:

| <i>Parameter</i> | | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|------------------------|----------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow | (mgd) | | - | 0.11 | - |
| Iron | (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese | (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum | (mg/l) | | 0.75 | 1.5 | 1.9 |
| Osmotic Pressure | (mos/kg) | | 50 | 50 | 50 |
| Sulfates | (mg/l) | | - | - | REPORT |
| Total Dissolved Solids | (mg/l) | | - | - | REPORT |
| Suspended Solids | (mg/l) | | 35 | 70 | 90 |
| Chlorides | (mg/l) | | - | - | REPORT |

Outfall 005 discharges to: Unnamed Tributary #2 to South Glade Creek

The proposed effluent limits for *Outfall 005* (Lat: 39° 57' 46" Long: 79° 10' 02") are:

| <i>Parameter</i> | | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|------------------------|----------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow | (mgd) | | - | 0.05 | - |
| Iron | (mg/l) | | 1.5 | 3.0 | 3.8 |
| Manganese | (mg/l) | | 1.0 | 2.0 | 2.5 |
| Aluminum | (mg/l) | | 0.75 | 1.5 | 1.9 |
| Osmotic Pressure | (mos/kg) | | 50 | 50 | 50 |
| Sulfates | (mg/l) | | - | - | REPORT |
| Total Dissolved Solids | (mg/l) | | - | - | REPORT |
| Suspended Solids | (mg/l) | | 35 | 70 | 90 |
| Chlorides | (mg/l) | | - | - | REPORT |

Noncoal NPDES Draft Permits

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

NPDES Permit No. PA0225363 on Surface Mining Permit No. 58132506. Edward M. Cox, Jr., (21838 SR 29, Montrose, PA 18801), new NPDES Permit for a GP105 bluestone quarry operation in Harmony Township, **Susquehanna County**, affecting 10.0 acres. Receiving streams: East and North Branch of Hemlock Creek/Susquehanna River Drainage Basin, classified for the following uses: designated use cold water fishes and migratory fishes; Existing Use: Exceptional Value. Application received: April 26, 2013.

Non-discharge BMP's shall be in effect.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate

the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900

E46-1097. Pennsylvania Department of Transport, 7000 Geerdes Blvd, King of Prussia, Franconia Township, Montgomery County. ACOE Philadelphia District

To perform the following water obstruction and encroachment activities associated the proposed roadway and intersection realignment requiring the removal and replacement of the two structures approximately 140 feet apart on State Route 1012 (SR 1012, locally known as Godshall Road and Cowpath Road):

1. To replace and maintain a twin-cell concrete box culvert carrying Skippack Creek (TSF-MF) with a cast-in place reinforced concrete frame bridge, aligned to the stream flow direction, skewed 64 degrees to the roadway centerline with a clear span of 24 feet. The proposed bridge has an out-to-out width of approximately 98.2 feet and a hydraulic opening of approximately 68 square feet with a minimum underclearance of 2.96 feet.

2. To replace and maintain a single-span cast-in-place concrete slab bridge over the unnamed tributary (UNT) Skippack Creek (TSF-MF) with a single cell reinforced 12' x 5' concrete box culvert. The proposed box culvert, 95 feet long, aligned to the flow direction, skewed 56 degrees to the roadway centerline, depressed 1'-2" below the existing streambed, will provide an underclearance of 3'-10" and a hydraulic opening of approximately 46 square feet.

3. To construct and maintain riprap deposits to facilitate scour protection for the two bridges as required.

4. To construct and maintain roadway and bridge approach work to accommodate roadway widening that will facilitate the realignment objectives of the project scope at the two bridges within the floodway of the streams.

5. To construct and maintain eight outfall structures and their associated aprons to accommodate the realignment design of the roadway. Four will discharge to the Skippack Creek. Three of these pipe outlets are contained within the proposed bridge structure wingwalls, while the third pipe discharges between the structures, downstream of the crossing. The other four outfall structures will discharge to the UNT Skippack Creek.

The proposed activities will impact approximately 245 feet of stream length. The project site is located approximately 228 north of the intersection of Broad Street and Godshall Road in Franconia Township, Montgomery County, (Latitude N 40° 17' 50" and Longitude W 75° 19' 58")

E09-973. Pennsylvania Turnpike Commission; Bensalem, Bristol Middletown Townships, Bucks County; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachments associated with Pennsylvania Turnpike Phase III widening and improvement construction activities in Section D10 (Milepost 355.9 to Milepost. 357.6). The activities include the widening and reconstruction of approximately 1.7 miles of eastbound Pennsylvania Turnpike (I-276) to a four-lane roadway between the I-95 overpass and the I-276 Bridge over SR 0013. It also includes the widening and reconstruction of approximately 0.9 mile of westbound I-276 to a four-lane roadway between the I-95 overpass and 1,300' east of the I-276 Bridge over New Rodgers Road (SR 0413). Specific water obstruction and encroachments are:

1) To construct and maintain a new ramp-bridge partially over (aerial impact) Mill Creek (WWF, MF) to facilitate the overall purpose of the project

2) To extend and maintained 8 X 6 Culvert (DB 245) at Road Station 222+75.02 by 25 feet carrying unnamed tributary to Mill Creek (WWF)

3) To extend and maintained 6'-8" X 5'6" Culvert (DB 246) at Road Station 513+87.97 by 25 feet carrying Unnamed tributary of Neshaminy Creek

4) To replace and maintain a 127-foot three-span bridge over Mill Creek (WWF, MF) (DB-248). The new structure will be a single span steel plate I-girder bridge with 11 feet under clearance

5) To extend and maintain two existing culverts at stations 489+82 and, 554+66.

6) To fill and maintained wetlands (PFO) at several locations as per route design stations approximately 0.483 acre

7) To fill and maintained wetlands (PSS) at several locations as per route design stations approximately 0.059 acre

8) To fill and maintained wetlands (PEM) at several locations as per route design stations approximately 1.465 acre

9) To fill and maintained wetlands (PEM, EV) at several locations as per route design stations approximately 0.218 acre

10) To relocate and maintain 56 feet of the UNT Mill Creek (WWF), place 35 feet into a new culvert and extend the existing part of the culvert by 18 feet at Station 513+53

11) To relocate and maintain 168 feet of the UNT Mill Creek (WWF), place 64 feet into a new culvert at Station 514+80

12) To relocate and maintain 105 feet of the UNT Mill Creek (WWF) at Station 142+43

13) To relocate a 658 feet section of an existing channelized stream and extend and maintained in its place a new 774 channel, Culvert at station 151+35

14) To remove a 129 feet existing culvert and relocate the channel flow to accommodate road widening at Station 152+64

15) To relocate approximately 342 feet of channel out of 352 feet of existing UNT to Mill creek (WWF) at Station 302+30

16) To remove 79 feet of culvert and relocate the channel at station 304+68

17) To relocate approximately 602 feet of channel out of 697 feet of existing UNT to Mill creek (WWF) at Station 311+50

18) To relocate approximately 137 feet of channel out of 390 feet of existing UNT to Mill creek (WWF) and create a stormwater swale out of the remaining 253 feet at 541+10

19) To relocate approximately 768 feet of channel out of 974 feet of existing UNT to Mill creek (WWF) and place the remaining portion of the channel into 206 feet culvert at Station 560+23

20) To relocate existing culvert at Station 766+40

21) To relocate approximately 514 feet of channel out of 591 feet of existing UNT to Mill creek (WWF) at Station 547+00 to create a stormwater swale and place the remaining portion in a 77 feet culvert.

22) To fill and maintain the total stream length of 877 linear feet of UNT to Mill Creek (WWF) approximately at stations 489+30, 489+82, 541+10, 142+83, 312+73 and 542+08 to facilitate roadway widening.

23) To create, construct and maintain approximately 3.526 acres of wetland(s) for mitigation of wetland impacted and the quantity lost during proposed project activities

24) To mitigate for stream impact approximately 3,473 feet at several places within the watershed as per the design drawings.

25) To impact the approximately 1.921 acres of Mill Creek (WWF) and some of her unmade tributaries floodways conducting miscellaneous grading, cutting, filling and placement of auxiliary structures to facilitate the overall object of the project at stations 221+15, 681+09, 682+54, 502+17, 690+41, 512+92, 103+25, 546+13, 542+16, 542+05, 537+62, 540+55 and 534+55.

The project has two component areas. It spans from west to east along I-276 starting just west of the proposed interchange where the present I-95 passes over I-276 and runs approximately 1.7 miles and terminates at the Delaware River Turnpike Bridge on the Pennsylvania side. It also spans from north to south extending along I-95 from one mile north of I-276 in Middletown Township, Bucks County to the east bank of the Neshaminy Creek in Bristol Township. This phase of the project passes through Bensalem, Bristol, and Middletown Townships, Bucks County, Center of area Latitude 40° 7' 45", and Longitude 74° 53' 23".

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E58-301. Cory Karl, Corporation of the Presiding Bishop, Church of Jesus Christ of Latter-Day Saints, 50 East North Temple, COB 10th Floor, Salt Lake City, UT 84150, in Oakland Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstruction and encroachments associated with the Priesthood Restoration Project:

1. Restoration of approximately 1,065 feet of stream channel, consisting of 30 cross vanes, 21 log vanes, and 1 rock vortex weir,

2. A road crossing which carries State Route 171 over a UNT to Susquehanna River consisting of a 30-inch diameter reinforced concrete pipe culvert, headwall and end wall with riprap outlet protection, and permanent wetland impacts of approximately 0.17 acre,

3. A road crossing which carries State Route 171 over a UNT to Susquehanna River consisting of a 48-inch diameter reinforced concrete pipe culvert, headwall and end wall with riprap outlet protection, and permanent wetland impacts of approximately 0.01 acre,

4. A road crossing which carries State Route 171 over a UNT to Susquehanna River consisting of an 18-inch diameter reinforced concrete pipe culvert, headwall and end wall with riprap outlet protection.

The site is located on the north side of State Route 171 approximately 1.75 miles from its intersection with Westfall Avenue (Great Bend, PA/NY Quadrangle; Latitude: 41° 57' 9", Longitude: -75° 38' 20") in Oakland Township, Susquehanna County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E67-903: Exelon Generation Corporation, 4948 Conowingo Road, Darlington, MD 21034 in Peach Bottom Township, **York County**, ACOE Baltimore District

To 1) construct and maintain 48.75 feet by 58.5 feet by 6.5 feet wide floating dock in and along the Susquehanna River (WWF, MF), 2) remove an existing 40 feet by 20 feet dock with a 38.75 feet and construct and maintain a 103 feet by 46.5 feet by 6.5 feet wide floating dock connected to the shore at two points in and along the Susquehanna River (WWF, MF), and 3) remove an existing 40 feet by 20 feet floating dock and construct and maintain a 45.5 feet by 48.75 feet by 6.5 feet long floating dock in and along the Susquehanna River (WWF, MF) all for the purpose of providing additional recreational facilities to meet current and future needs. The project is located in Dorsey Park East of Lay Road (Holtwood, PA Quadrangle, Latitude: 39°46'6"N, Longitude: 76°16'16"W) in Peach Bottom Township, York County.

E07-449: PA Department of Transportation Engineering District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648 in Antis Township, **Blair County**, U.S. Army Corps of Engineers, Baltimore District

To: 1) remove the existing structure and to construct and maintain a 40.45-foot wide, single span concrete spread box beam structure bridge having a span of 57.45 feet and an underclearance of 3.7 feet across Sandy Run (CWF, MF) approximately 50 feet downstream from the current alignment, 2) realign 2 deficient curves in the roadway for the purpose of improving transportation safety and roadway standards, permanently impacting 0.4 acre (17,332 square feet) of exceptional value wetlands. Approximately 0.29 of these wetlands impacted will be Palustrine Emergent, 0.04 will be Palustrine Scrub-Shrub, and 0.14 will be Palustrine Forested. There will be 0.87 acre of wetlands replaced onsite (0.45 acre of PEM wetlands and 0.42 acre of PFO). The project is located along SR 4019 Section 004 in Antis Township, Blair County (Latitude: 40° 34' 9.48", Longitude: -78° 20' 53.23").

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636

E41-650. Laurel Hill Wind Energy, 1464 Marshall Road, Roaring Branch, PA 17765-9210. Laurel Hill Wind Energy in Jackson Township, **Lycoming County**, ACOE Baltimore District (Muncy, PA Quadrangle Lat: 41° 31' 50"; Long: -77° 04' 01").

To construct and maintain two stream crossings in Jackson Township - Lycoming County, which is located

over unnamed tributary to Roaring Brook. The project site is located away from public access and intended to only serve the Laurel Hill Wind Energy staff during maintenance activities. The total project acreage and disturbance is less than one acre and will be constructed outside of the 100-year floodplain.

The West Crossing will consist of one (1) 71-inch x 47-inch Corrugated Metal Pipe Arch having a length of 43-feet and one (1) 30-inch Corrugated Metal Pipe having a length of 42-feet. The East Crossing will consist of one (1) 49-inch x 33-inch Corrugated Metal Pipe Arch having a length of 33-feet. The proposed crossings will not permanently impact wetlands, cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge or historical sites. This project proposes to have 100 linear feet of temporary and 125 linear feet of permanent stream impacts to unnamed tributary to Roaring Brook, which is classified with a designated use of High Quality-Cold Water Fishery (HQ-CWF) and with an existing use of Exceptional Value (EV).

E49-329. Point Township Sewer Authority, 759 Ridge Road, Northumberland, PA 17857. Lithia Spring Sewer Extension in Point Township, **Northumberland County**, ACOE Baltimore District (Northumberland, PA Quadrangle Latitude: 40° 55' 11"; Longitude: -76° 45' 51").

The permit application proposes construction of an 8-inch sanitary sewer and manholes within the 100 yr floodplain of Lithia Spring Creek, Cold Water Fishery. This project consists of installation of sanitary sewer line and manholes either below grade or at grade. All wetland areas have been avoided by utilization of the existing road right of way. This project is located along Ridge road, Spruce Hollow Road, Roush Road, Whitetail Land, Meadow Lane, Church Drive, Bulk Plant Road, Bird Land and additional Private streets in Point Township, Northumberland County.

F41-003. Lycoming County, 48 W. Third Street, Williamsport, PA 17701. Floodplain encroachment demolition in the Borough of Montoursville (3), Loyalsock Township (1) and Fairfield Township (1), **Lycoming County**, US ACOE Baltimore District. Lycoming County is seeking authorization to demolish existing floodplain encroachments (flood damaged structures) and to re-grade the floodplain at the following locations.

Borough of Montoursville

209 Broad Street, Montoursville, PA 17754-Montoursville North Quadrangle, Lat.: 41° 15' 0.8" N, Long.: -76° 55' 50.5" W

155 Crawford Alley, Montoursville, PA 17754-Montoursville North Quadrangle, Lat.: 41° 15' 1.4" N, Long.: -76° 55' 51.9" W

227 Broad Street, Montoursville, PA 17754-Montoursville North Quadrangle, Lat.: 41° 15' 29.9" N, Long.: -76° 55' 46.8" W

Loyalsock Township

2520 Heshbon Road, Williamsport, PA 17701-Cogan Station Quadrangle, Lat.: 41° 16' 15.3" N, Long.: -77° 03' 12.3" W

Fairfield Township

340 Lyons Barr Road, Montoursville, PA 17754-Montoursville North Quadrangle, Lat.: 41° 16' 48.1" N, Long.: -76° 54' 54.9" W

Southwest Region: Southwest District Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh PA 15222

E30-07-006. Penneco, 6608 Route 22, Delmont PA 15626. Center Township, **Greene County**, Pittsburgh ACOE District (Rogersville Quadrangle, Latitude N 39° 53' 49.20" Longitude -80° 21' 08.04") Chapter 93 Type Jacob's Creek, HQ-WWF.

Project is to construct a prefabricated Steel bridge, 50 feet long across Jacob's Creek, a High Quality, Warm Water Fishery, to access an existing gas well pad and eliminate a ford crossing, in Center Township, Greene County, Pittsburgh ACOE District (Rogersville Quadrangle, Latitude N 39° 53' 49.20" Longitude -80° 21' 08.04"). This project will permanently impact 40 feet of stream. The upstream watershed drainage area is 1.97 square mile.

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E02-1691. Bove Development Corp., 5851 Brian Drive, Bethel Park, PA 15102, Municipality of Bethel Park, Allegheny; ACOE Pittsburgh District

Applicant proposes to relocate approximately 485' of two (2) headwater watercourses, within the Lick Run watershed (TSF), by constructing an approximately 338' long, open channel, for the purpose of constructing a detention basin, within the proposed Millennium Woods residential subdivision. Portions of one of the existing watercourses are currently enclosed within a 6" pipe (approx. 300') and a 30" pipe (approx. 35'). This subdivision will be located between Horning Road and Baptist Road, within the Municipality of Bethel Park, Allegheny County. (Bridgeville, PA Quadrangle N: 17.2 inches; W: 2.43 inches; Latitude: 40° 20' 40.9"; Longitude: 80° 1' 2.9".)

E63-651. Wayne and Cheryl Griffith, 10 Hillman Street, Bentleyville, PA 15314, West Bethlehem Twp., **Washington County**; ACOE Pittsburgh District

Applicant proposes to construct and maintain a private access road, consisting of three (3) 48" RCP culverts, in Little Daniels Run (WWF), for the purpose of providing access to a single family home. The culverts will be 16' long, and the center culvert will be depressed 1' below the stream bed elevation. The addition of upstream and downstream wing walls will extend the total impact to the watercourse, to approximately 30'. The project is located off of Marianna-Lone Pine Road, approximately 2600' northwest of its intersection with Scenery Hill Road (USGS Ellsworth, PA Quadrangle; N: 6.74 inches; W: 13.75 inches; Latitude: 40° 2' 13.56"; Longitude: 80° 5' 53.73"), in West Bethlehem Township, Washington County.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5729-063: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Fox Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 150 linear feet of Porter Creek (EV) (Shunk, PA Quadrangle 41°34'03"N, 76°42'45"W);

2) A temporary access road using a timber mats and a 6 inch diameter well line impacting 6,229 square feet of

an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°31'24"N, 76°25'57"W);

3) A temporary access road using a timber mats and a 6 inch diameter well line impacting 2,875 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°33'50"N, 76°42'12"W);

4) A temporary access road using a timber mats and a 6 inch diameter well line impacting 2,744 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Dushore, PA Quadrangle 41°33'47"N, 76°42'12"W);

The project will result in 150 linear feet of temporary stream impacts, 9,104 square feet (0.21 acre) of temporary wetland impacts, and 2,744 square feet (0.06 acre) of permanent wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Fox Township, Sullivan County. The permittee will provide 0.06 acre of compensatory mitigation at an offsite location (Overton, PA Quadrangle 41°33'44"N 76°34'31"W) in Elkland Township, Sullivan County.

E4129-081: Anadarko Marcellus Midstream, L.L.C., 33 West Third Street, Suite 200, Williamsport, PA 17701, Cogan House and Cummings Townships, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) one 16-inch natural gas line, two 6-inch water lines, one fiber optic/ electric line, and a timber mat bridge impacting 157 linear feet of Lawshe Run (EV, MF) and an unnamed tributary to Lawshe Run (EV, MF) (English Center, PA Quadrangle 41°22'32"N, 77°16'14"W);

2) one 16-inch natural gas line, two 6-inch water lines, one fiber optic/ electric line, and a timber mat bridge impacting 53 linear feet of an unnamed tributary to Second Fork Larrys Creek (EV, MF) and 1,379 square feet of adjacent palustrine emergent (PEM) wetland (English Center, PA Quadrangle 41°22'57"N, 77°15'14"W);

3) one 16-inch natural gas line, two 6-inch water lines, one fiber optic/ electric line, and a timber mat bridge impacting 52 linear feet of Second Fork Larrys Creek (EV, MF), 54 linear feet of a UNT to Second Fork Larrys Creek (EV, MF), and 1,542 square feet of adjacent palustrine emergent (PEM) wetlands (English Center, PA Quadrangle 41°22'57"N, 77°15'13"W);

4) one 16-inch natural gas line, two 6-inch water lines, one fiber optic/ electric line, and a timber mat bridge impacting 1,069 square feet within the floodway of an unnamed tributary to Second Fork Larrys Creek (EV, MF) (English Center, PA Quadrangle 41°22'57"N, 77°15'13"W);

5) a timber mat bridge impacting 22 linear feet of an unnamed tributary to Lawshe Run (EV, MF) (Waterville, PA Quadrangle 41°22'18"N 77°16'16"W)

6) a timber mat bridge impacting 27 linear feet of an unnamed tributary to Lawshe Run (EV, MF) (Waterville, PA Quadrangle 41°22'18"N 77°16'16"W)

7) fill for a temporary access road impacting 2,999 square feet within the floodway of an unnamed tributary to Lawshe Run (EV, MF) (Waterville, PA Quadrangle 41°21'58"N 77°15'41"W)

8) fill for a temporary access road impacting 8901 square feet within the floodway of an unnamed tributary to Lawshe Run (EV, MF) (Waterville, PA Quadrangle 41°22'18"N 77°16'08"W)

9) a timber mat bridge impacting 22 linear feet of an unnamed tributary to Lawshe Run (EV, MF) (Waterville, PA Quadrangle 41°22'19"N 77°16'09"W)

10) a timber mat bridge impacting 23 linear feet of an unnamed tributary to Lawshe Run (EV, MF) (Waterville, PA Quadrangle 41°22'23"N 77°16'13"W)

11) a timber mat bridge impacting 2,478 square feet of palustrine emergent (PEM) wetland and 7,958 square feet within the floodway of an unnamed tributary to Lawshe Run (EV, MF) (Waterville, PA Quadrangle 41°22'29"N 77°16'15"W);

12) a timber mat bridge impacting 20 linear feet of an unnamed tributary to Second Fork Larrys Creek (EV, MF) and 26 square feet of adjacent palustrine emergent (PEM) wetland (English Center, PA Quadrangle 41°22'47.59"N, -77°15'10.60"W).

The project will result in a total of 430 linear feet of stream impacts, 0.12 acre of wetland impacts, and an additional 0.48 acre of floodway impacts all for the purpose of installing a natural gas gathering line, water line, and temporary access roadways for Marcellus well development.

E0829-072: PVR NEPA Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, West Burlington Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12 inch diameter natural gas line and a temporary timber mat bridge impacting 4,472 square feet of a Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41°44'02", Longitude: -76°37'46");

2. a 12 inch diameter natural gas line, an electrical line and a temporary timber mat bridge impacting 1,042 square feet of a Palustrine Scrub-Shrub Wetland (Leroy, PA Quadrangle, Latitude: 41°44'03", Longitude: -76°37'46");

3. a temporary timber mat bridge impacting 628 square feet of a Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41°44'04", Longitude: -76°37'47");

4. a 12 inch diameter natural gas line, an electrical line and a temporary timber mat bridge impacting 16 linear feet of an unnamed tributary to North Branch Towanda Creek (CWF, MF) and impacting 5,973 square feet of an adjacent Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41°44'04", Longitude: -76°37'49");

5. a 12 inch diameter natural gas line, an electrical line, and a temporary timber mat bridge impacting 51 linear feet of an unnamed tributary to North Branch Towanda Creek (CWF, MF) and impacting 2,182 square feet of an adjacent Palustrine Emergent Wetland, 1,107 square feet of a Palustrine Scrub-Shrub Wetland and 606 square feet of a Palustrine Forested Wetland (Leroy, PA Quadrangle, Latitude: 41°44'04", Longitude: -76°37'52");

6. a permanent access road impacting 674 square feet of a Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41°44'00", Longitude: -76°38'00");

The project will result in 67 linear feet or 317 square feet of temporary stream impacts and 13,929 square feet (0.32 acre) of PEM wetlands, 2,149 square feet (0.05 acre) of PSS wetland and 606 square feet (0.01 acre) of PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in West Burlington Township, Bradford County. The permittee will provide 0.095 acre of wetland enhancement mitigation and 0.01 acre of wetland creation at the Wittig Mitigation Site (Factoryville, PA Quadrangle, Latitude: 41°37'11", Longitude: -75°46'22").

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335

E43-08-006, Halcon Field Service LLC, 1000 Louisiana Street, Suite 6700, Houston, TX 77002-6003, Reges to Pilgram 1H Natural Gas Pipeline in Otter Creek and Delaware Townships, **Mercer County**, ACOE Pittsburgh District (Greenville East and Fredonia, PA Quadrangle, N: 41° 23' 13.55"; W: 80° 18' 36").

The applicant proposes to construct and maintain approximately 14,600 linear feet of 16 inch diameter, steel natural gas pipeline in Otter Creek and Delaware Townships, Mercer County, PA. The proposed pipeline will connect Halcon Field Service LLC's proposed Reges well pads to their proposed Pilgrim 1H well pad.

The water obstructions and encroachments for the purposes of installing the pipeline are described below:

1. One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Otter Creek (TSF), having 45 linear feet of temporary stream impact. 41.381175° N; -80.286441° W

2. One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Otter Creek (TSF), having 40 linear feet of temporary stream impact. 41.378887° N; -80.283665° W

3. One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Otter Creek (TSF), having 60 linear feet of temporary stream impact. 41.378145° N; -80.283616° W

4. One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a UNT to Otter Creek (TSF), having 60 linear feet of temporary stream impact. 41.376655° N; -80.283535° W

5. One (1) 16 inch diameter, steel natural gas gathering line with associated right-of-way and a temporary road to cross a palustrine Emergent (PEM) wetland, having .05 acre of temporary impact. 41.379715° N; -80.283651° W

6. One (1) 16 inch diameter, steel natural gas gathering line to be bored under a palustrine forested/ palustrine shrub, scrub (PFO/PSS) wetland, having a crossing length of 750 linear feet. 41.38307° N; -80.295581° W

7. One (1) 16 inch diameter, steel natural gas gathering line to be bored under

a. Otter Creek (TSF), having a crossing length of 20 linear feet.

b. 41.369665° N; -80.280203° W

8. One (1) 16 inch diameter, steel natural gas gathering line to be bored under a palustrine forested/ palustrine emergent (PFO/PEM) wetland, having a crossing length of 86 linear feet. 41.369203° N; -80.279959° W

ENVIRONMENTAL ASSESSMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802

EA36-031: Borough of Manheim, 15 East High Street, Manheim, PA 17545 in Manheim Borough, **Lancaster County**, ACOE Baltimore District

To construct and maintain a stream restoration project along 1,042 feet of Rife Run (WWF, MF) including: 1.) the creation of 458.0 feet of new stream channel; 2.) the removal of 9,500 cubic yards of legacy sediment from the floodway of Rife Run (WWF, MF); 3.) the installation of five log sills; 4.) the construction of 477.0 feet of toe wood structures; 5.) the construction of a 93.0-foot long, 6.0-foot wide pedestrian boardwalk in the floodway of Rife Run (WWF, MF), having an underclearance of 3.12 feet; and 6.) the removal of 35.0 feet of a 12.0 inch CMP pipe from the floodway of Rife Run (WWF, MF) all for the purpose of improving water quality in Rife Run. The project is located near the intersection of Rettew Lane and East High Street (Manheim, PA Quadrangle, Latitude 40°09'25.1"N, Longitude: 76°24'16.2"W) in Manheim Borough, Lancaster County. No wetlands will be impacted by this project.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D67-548. Forge Hill Orchard, Inc., 135 Blossom Drive, Mt. Wolf, PA 17347. To modify, operate, and maintain Naylor Lower Dam across a tributary to Hartman's Run (WWF) for the purpose of modifying an existing spillway structure in order to pass the required design storm (York Haven, PA Quadrangle; Latitude: 40.0425, Longitude: -76.7006) in East Manchester Township, **York County**.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i> |
|-----------------|-------------------------|--|
| Section I | NPDES | Renewals |
| Section II | NPDES | New or Amendment |
| Section III | WQM | Industrial, Sewage or Animal Wastes; Discharges to Groundwater |
| Section IV | NPDES | MS4 Individual Permit |
| Section V | NPDES | MS4 Permit Waiver |
| Section VI | NPDES | Individual Permit Stormwater Construction |
| Section VII | NPDES | NOI for Coverage under NPDES General Permits |

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--|--------------------------------------|-----------------------------|
| PA0083208— (Sew) | Marlin Harnish Refreshing Mountain Camp, Inc. 455 Camp Road Stevens, PA 17578 | Lancaster County / Clay Township | UNT Middle Creek / 7-J | Y |
| PA0043672— (IW) | Michael Roberto General Dynamics— OTS (PA) Inc. 200 East High Street Red Lion, PA 17356 | York County / Red Lion Borough | Fishing Creek / 7-I | Y |
| PA0088561 (CAFO) | Andrew Harpster Evergreen Farms, Inc. 3102 Evergreen Lane Spruce Creek, PA 16683 | Huntingdon County / Franklin Township | Spruce Creek / 11-A | Y |

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|-----------------------------|--|--------------------------------------|--------------------------------------|---------------------------|
| PA0219207 Sewage | Sipesville Quecreek Sewage Treatment Plant Village of Quecreek Quecreek, PA 15561 | Somerset County Lincoln Township | Quemahoning Creek | Y |

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|---------------------------------|--|---|--|-----------------------------|
| PA0090590 (Sewage) | Port O' Call MHP 108 Bay Street Butler, PA 16002 | Butler County Penn Township | Unnamed Tributary to Glade Run (20-C) | Y |
| PA0103811 (Industrial Waste) | Northwest Sanitary Landfill, 1436 W Sunbury Road, West Sunbury, PA 16061 | Butler County Cherry & Clay Townships | Unnamed Tributaries of South Branch Slippery Rock Creek (20-C) | Y |
| PA0102768 (Sewage) | Maplewood Jr./Sr. High School 30383 Guys Mills Road Guys Mills, PA 16327 | Crawford County Randolph Township | Unnamed Tributary to Woodcock Creek (16-A) | Y |

II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

NPDES Permit No. PA0262064, Sewage, **Mike Clancy, The Wago Club**, 1095 Wago Road, Mount Wolf, PA 17347.

This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Permit approval for authorization to discharge to Hartman Run in Watershed 7-H.

NPDES Permit No. PA0083038, Amendment #1, Sewage, **Ryan J. Morris**, 19 Misty Lane, Biglerville, PA 17307.

This proposed facility is located in Mount Joy Township, **Adams County**.

Description of Proposed Action/Activity: Permit approval for authorization to discharge to UNT Rock Creek in Watershed 13-D.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

NPDES Permit No. PA0025950, Sewage, **City of Monongahela Municipal Authority**, 521 West Main Street, Monongahela, PA 15063-2615

This existing facility is located in the City of Monongahela, **Washington County**

Description of Existing Action/Activity: Permit issuance for existing discharge of treated sewage.

NPDES Permit No. PA0026581, Sewage, **Westmoreland Fayette Municipal Sewer Authority**, PO Box 126, Scottdale, PA 15683-0126

This existing facility is located in East Huntingdon Township, **Westmoreland County**

Description of Existing Action/Activity: Permit issuance for existing discharge of treated sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. WQG012228, Sewage, **Cabot Oil & Gas Corporation**, 8279 State Route 29, Montrose, PA 18801.

This proposed facility is located in Dimock Township, **Susquehanna County**.

Description of Proposed Action/Activity: Construction of a small flow treatment facility (SFTF) with a projected flow of 1,900 gpd to serve a new office building and an existing warehouse and second office building. The existing sand mound absorption area will be taken out of service and the proposed SFTF will serve the entire site.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. WQG02221302, Sewerage, **Halifax Area Water & Sewer Authority**, PO Box 443, Halifax, PA 17032.

This proposed facility is located in Halifax Borough, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for upgrades to the Boyer Street pump station.

WQM Permit No. 6713402, Sewerage, **Mike Clancy, The Wago Club**, 1095 Wago Road, Mount Wolf, PA 17347.

This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Permit approval for construction/operation of sewage treatment plant.

WQM Permit No. 0186410, Transfer #1, Sewerage, **Ryan J. Morris**, 19 Misty Lane, Biglerville, PA 17307.

This proposed facility is located in Mount Joy Township, **Adams County**.

Description of Proposed Action/Activity: Permit Transfer.

Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

WQM Permit No. 3013401, Sewerage, **Morris Township**, 1317 Browns Creek Road, Sycamore, PA 15364

This proposed facility is located in Morris Township, **Greene County**

Description of proposed Action/Activity: Permit issuance for the construction and operation of a sewage treatment plant.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. WQG01201304, Sewage, **Stephanie R. & William J. Burger**, P.O. Box 225, Saegertown, PA 16433.

This proposed facility is located in Hayfield Township, **Crawford County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

WQM Permit No. WQG018443, Sewage, Transfer, **Rodney R. Shipton**, 282 Donation Road, Greenville, PA 16125-8008.

This existing facility is located in Hempfield Township, **Mercer County**.

Description of Proposed Action/Activity: Transfer of permit for a Single Residence Sewage Treatment Plant to Rodney R. Shipton from Laverne Bovard.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-------------------------|---|---------------|---------------------|---|
| PAI132230 | Wilson Borough Northampton County, 2040 Hay Terrace, Easton, PA 18042-4617 | Northampton | Wilson Borough | Bushkill Creek / Lehigh River HQ-CWF, MF, WWF and MF |

V. NPDES Waiver Stormwater Discharges from MS4 Actions

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-------------------------|--|---------------|---------------------|------------------------------|
| PAI138302 | Winfield Township Butler County 194 Brose Road, Cabot, PA 16023 | Butler | Winfield Township | Little Buffalo Creek N |

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-------------------------|--|---------------|---------------------|--|
| PAI01 4613010 | Matrix CBH, L.P. Forsgate Drive CN 4000 Cranbury, NJ 18512 | Montgomery | Cheltenham Township | Unnamed Tributary of Tacony Creek/ Pennypack Creek TSF/MF |

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-------------------------|--|---------------|-------------------------|--|
| PAI023907005R(1) | Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069 | Lehigh | Upper Macungie Township | Hassen Creek (HQ-CWF, MF), UNT to Hassen Creek (HQ-CWF, MF) |
| PAI023907018R | PF1, Lehigh Valley 1, L.P. 729 East Pratt Street Suite 401 Baltimore, MD 21202-3341 | Lehigh | Lower Macungie Township | Swabia Creek (HQ-CWF, MF) |
| PAI024507004R | Mr. Kenneth A. Schuchman P.O. Box 404 East Stroudsburg, PA 18301 | Monroe | Smithfield Township | Marshalls Creek (HQ-CWF, MF) |

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford, Section Chief, Telephone 717.705.4802.

| <i>Permit #</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|--------------------------|---|---------------|---|-------------------------------|
| PAI030612006 (Issued) | Womelsdorf Robesonja Join Authority PO Box 94 Womelsdorf, PA 19567 | Berks | Heidelberg Township | Furnace Creek (HQ-CWF, MF) |
| PAI032113001 (Issued) | US Army; Carlisle Barracks 330 Engineer Avenue Carlisle, PA 17013 | Cumberland | North Middleton and Middlesex Townships, Carlisle Borough | Letort Spring Run (HQ-CWF) |

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-----------------------------|--|---------------|---------------------|---|
| PAI050213004 | Gary & Daniela Folino 170 Millview Drive Pittsburgh, PA 152338 | Allegheny | Fox Chapel Borough | Squaw Run (HQ-WWF) and Rawlins Run (CWF) |
| PAI053013001 | Morris Township 1317 Browns Creek Road Sycamore, PA 15364 | Greene | Morris Township | Browns Creek (HQ-WWF) |
| PAI056313004 | Mark Raymond 1013 Robinwood Drive South Park, PA 15129 | Washington | Peters Township | Little Chartiers Creek (HQ-WWF) |
| PAI056513002 | Westinghouse Electric Company PO Box 158 Madison, PA 15663 | Westmoreland | Hempfield Township | Sewickley Creek (WWF) |

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

McKean County Conservation District, 17137 Route 6, Smethport PA 16749

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water / Use</i> |
|-----------------------------|---|---------------|---------------------|---|
| PAI064213001 | Foster Township 1185 East Main Street Bradford PA 16701 | McKean | Foster Township | Kendall Creek WWF; Foster Brook CWF; Bennett Brook CWF; S. Br. Knapp Creek CWF; Unt S. Br. Cole Creek EV; Lafferty Run WWF |

VII. Approvals to Use NPDES and/or Other General Permits

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

List of NPDES and/or Other General Permit Types

| | |
|-------------|---|
| PAG-1 | General Permit for Discharges From Stripper Oil Well Facilities |
| PAG-2 | General Permit for Discharges of Stormwater Associated With Construction Activities |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges From Small Flow Treatment Facilities |
| PAG-5 | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO) |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage |
| PAG-9 | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage |
| PAG-10 | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines |
| PAG-11 | (To Be Announced) |
| PAG-12 | Concentrated Animal Feeding Operations (CAFOs) |
| PAG-13 | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4) |
| PAG-14 | (To Be Announced) |
| PAG-15 | General Permit for Discharges From the Application of Pesticides |

*General Permit Type—PAG-02**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*

| | | | | |
|---|----------------------|---|--|---|
| Bristol Township Bucks County | PAG0200 0913033 | Beneficial Bank 34 S. Sycamore Street Newtown, PA 189401 | Newtown Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| West Chester Borough Chester County | PAG0200 1513023 | Stanab, L.P. 433 W. Market Street West Chester, PA 19382 | Taylor Run TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Birmingham Township Chester County | PAG0200 1513031 | Bainbridge Homes, Inc. 276A Dilworthtown Road West Chester, PA 19382 | Brandywine Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| London Grove Township Chester County | PAG0200 1513025 | Jim Yannie P. O. Box 378 West Grove, PA 19390 | White Clay Creek CWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Thornbury Township Chester County | PAG0200 1513027 | Thornbury Township 8 Township Drive Cheyney, PA 19319 | E. Branch Chester Creek (aka Cheyney Run) TSF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| New Garden Township Chester County | PAG0200 1513032 | Basciani Mushroom Farm 8876 Gap Newport Pike Avondale, Pa 19311 | Unnamed Tributary to Egypt Run CWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Thornbury Township Delaware County | PAG0200 2312014-1 | Cheyney University of Pennsylvania P. O. Box 260 Cheyney, PA 19319 | E. Branch Chester Creek TSF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| New Hanover Township Montgomery County | PAG0200 460518R-1 | Hanover Woods 1030 Reed Street Reading, PA 19610 | Swamp Creek TSF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Upper Providence Township Montgomery County | PAG0200 4607150R | Andrew Semon 4 Hillman Drive, Suite 120 Chadds Ford, PA 19317 | Unnamed Tributary to Schuylkill River WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Skippack Township Montgomery County | PAG0200 4613046 | Americo Moscariello 24 Donny Brook Way Collegeville, PA 19426 | Unnamed Tributary to Skippack Creek TSF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Weisenberg Twp. Lehigh County | PAG02003913013 | John Seiffert Palram Arcadia Real Estate Holdings 9735 Commerce Circle Kutztown, PA 19530 | Mill Creek (TSF, MF) | Lehigh County Conservation District 610-391-9583 |
| Upper Saucon Twp. Lehigh County | PAG02003913003 | Van Dobson LUP114, LLC 461 Webster Street Bethlehem, PA 18015 | Saucon Creek (CWF, MF) | Lehigh County Conservation District 610-391-9583 |
| Tatamy Borough Northampton County | PAG02004813016 | Becknell Services, LLC 4242 South 1st Avenue, Suite D Lyons, IL 60534 | Schoeneck Creek (WWF, MF) | Northampton County Conservation District 610-746-1971 |
| Auburn Borough Schuylkill County | PAG02005413012 | HRI Incorporated 1750 W. College Ave. Suite 2 State College, PA 16801 | Bear Creek (CWF, MF) Schuylkill River (CWF, MF) | Schuylkill County Conservation District 570-622-3742 |

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|--|--------------------------------|---|---------------------------------|---|
| West Hanover Township, Dauphin County | PAG02002208038R (Issued) | Fishing Creek Valley Assoc. LP Richard Yingst 4712 Smith Street Harrisburg, PA 17109 | Beaver Creek (WWF) | Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100 |
| Londonderry Township, Dauphin County | PAG02002210006R(1) (Issued) | Love's Travel Stops & Country Stores 10601 N Pennsylvania Ave Oklahoma City, OK 73120 | Swatara Creek (WWF) | Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100 |
| City of Altoona, Blair County | PAG02000709002R (Issued) | Eight Hundred Logan Blvd, LP Dan Lawruk 259 Lakemont Park Blvd Altoona, PA 16602 | Mill Run (WWF) | Blair Co Conservation District 1407 Blair St Hollidaysburg, PA 16648 814.696.0877 |
| Clay Township, Lancaster County | PAG02003608057R (Issued) | Lincoln Land Group Inc 1737 W Main Street Ephrata, PA 17522 | Indian Run & Middle Creek (WWF) | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| Manheim Township, Lancaster County | PAG02003608083R (Issued) | Eden Rock Partners 2137 Embassy Drive Lancaster, PA 17603 | UNT to Conestoga River (WWF) | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| East Cocalico Township, Lancaster County | PAG02003613061 (Issued) | Muddy Creek Partners LLC PO Box 7119 Cumberland, RI 02864 | Little Muddy Creek (WWF) | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| East Lampeter Township, Lancaster County | PAG02003613065 (Issued) | Fisher & Fisher Enterprises LLC 667 Hartman Station Road Lancaster, PA 17601 | Stauffer Run (WWF) | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| Manor Township, Lancaster County | PAG02003613069 (Issued) | Michael Rohrer 124 Charlestown Road Washington Boro, PA 17582 | UNT to Stamans Run (WWF) | Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5 |
| Cumru Township, Berks County | PAG02000611034R (Issued) | Alfred Picca, PennDOT 1002 Hamilton Blvd Allentown, PA 18101 | Schuylkill River (WWF, MF) | Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142 |
| Exeter Township, Berks County | PAG02000613040 (Issued) | Will Carpenter Aldi Inc. 2700 Saucon Valley Road Center Valley, PA 18034 | Antietam Creek (CWF) | Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142 |

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*

| | | | | |
|--|-------------------|---|---------------------------|---|
| York Township York County | PAG02006708030R | Wellspan Properties Dr. Kevin Mosser 2500 S George Street York PA 17403 | UNT Codorus Creek/ WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Dover Township York County | PAG02006704147R | Faire Wynd Francis McNaughton 4400 Deer Path Road HBG PA 17110 | Fox Run/TSF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Fairview Township York County | PAG02006704138R-1 | Woodbridge Farm Assoc. Michael Manning 1520 Slate Hill Road Camp Hill PA 17011 | Big Springs Run/TSF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Shrewsbury Township York County | PAG02006708047R | E Squared Properties LLC 7 Hillchase Court Pikesville MD 21208 | Codorus Creek SB/ CWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Manchester Township York County | PAG020067130023R | J.C. Bar Properties Inc. 415 Fallowfield Road Suite 301 Camp Hill PA 17011 | Codorus Creek/WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Shrewsbury Township York County | PAG02006713026 | Richard VanLieshout Paige Properties LLC P.O. Box 206 Phoenix MD 21131 | UNT Deer Creek/ CWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| East Manchester Township Manchester Township York County | PAG020067013030 | Lynn Wagaman Columbia Gas of PA 121 Champion Way Canonsburg PA 15317 | Codorus Creek/WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*

| | | | | |
|---|------------------|--|---|---|
| Wyalusing Borough Bradford County | PAG02000813019 | Jay Chadwick The Hayseed Group LLC RR 1 Box 28 Wyalusing PA 18853 | Wyalusing Creek WWF | Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6 |
| Madison Township Columbia County | PAG02001913009 | PPL Generation LLC 2 N 9th St Allentown PA 18101 | UNTs to East Chillisquaque Creek & Mud Creek WWF, MF | Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102 |
| Ralpho Township Northumberland County | PAG02004908007RR | Danson Subdivision 574 Bear Gap Elysburg PA 17824 | UNT Shamokin Creek CWF, MF | Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|---|---|---|
| Delaware Township Northumberland County Muncy Creek Township Lycoming County | PAG02004913009 | PA Dept of Transportation 715 Jordan Ave Montoursville PA 17754 | Warrior Run WWF, MF 2 UNTs to W. B. Susquehanna River WWF, MF | Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4 |
| <i>Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.</i> | | | | |
| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office and Phone No.</i> |
| Economy Borough Beaver County | PAG2000404018R2 | Maronda Homes, Inc. 11 Timberglen Road Imperial, PA 15126 | UNT to Big Sewickley Creek (TSF) | Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701 |
| Patterson Township Beaver County | PAG02000413021 | Patterson Township 1600 19th Avenue Beaver Falls, PA 15010 | UNT to Walnut Bottom (WWF) | Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701 |
| White Township Cambria County | PAG02001112001 | Glendale Valley Municipal Authority 1800 Beaver Valley Road Flinton, PA 16640 | Dutch Run (CWF) and Kibler Run (CWF) | Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120 |
| Adams Township Cambria County | PAG02001113007 | Forest Hills School District 549 Locust Street Sidman, PA 15955 | South Fork Little Conemaugh (CWF) | Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120 |
| White Township Indiana County | PAG02003213011 | Indiana County Development Corporation 801 Water Street Indiana, PA 15701 | Cherry Run (CWF) | Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751 |
| Somerset Township Somerset County | PAG02005609012R-1 | Somerset Regional Water Resources, LLC. 207 SR 29N Tunkhannock, PA 18657 | UNT to the East Branch of Coxes Creek (TSF) | Somerset County CD 6024 Glades Pike Rd Suite 103 Somerset, PA 15601 (814) 445-4652 |
| Brothersvalley Township Somerset County | PAG02005611007R | Tom McClintock 161 Samuels Road Somerset, PA 15501 | Laurel Run (WWF) | Somerset County CD 6024 Glades Pike Rd Suite 103 Somerset, PA 15601 (814) 445-4652 |
| Smith Township Washington County | PAG02006312004R | Burgettstown-Smith Joint Sewer Authority 377 Joffre Bulger Road Burgettstown, PA 15021 | UNT to Burgetts Fork (WWF) | Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098 |
| Centerville Borough Washington County | PAG02006313024 | Robert Duritza, Jr. 217 Vista Drive Weirton, WV 26002 | Barneys Run (WWF) | Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098 |

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

| | | | | |
|--|-------------------|---|---------------------------|--|
| Cranberry Township Butler County | PAG02001012013(1) | Flash Point Partners LLC c/o Mr. Matthew G. Cramer 1350 Old Pond Road Bridgeville PA 15017 | Unt Kaufman Run WWF | Butler County Conservation District 724-284-5270 |
| Butler Township Butler County | PAG02001013022 | Horizon Properties c/o Mr. John P. Morgan, PM 375 Southpointe Blvd, Suite 410 Cannonsburg PA 15317 | Unt Sullivan Run WWF | Butler County Conservation District 724-284-5270 |
| Neshannock Township Lawrence County | PAG02003713008 | Apex Healthcare Solutions Attn: Ms. Tamera Weis 1425 McHenry Road Suite 209 & Community Practice Development Attn: Mr. Nick Sica 3 Townline Circle Rochester NY 14623 | Unt Shenango River WWF | Lawrence County Conservation District 724-652-4512 |
| Neshannock Township Lawrence County | PAG02003713009 | GPS Realty LLC Attn: Mr. Patrick Koch 4200 Casteel Drive Coraopolis PA 15108 | Unt Shenango River WWF | Lawrence County Conservation District 724-652-4512 |

General Permit Type—PAG-03

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

| | | | | |
|--|-----------|--|--------------------------------------|---|
| Norristown Municipality Montgomery County | PAR800126 | Waste Management of PA, Inc. 310 West Washington Street Norristown, PA 19401 | Schuylkill River & Stony Creek—3F | Southeast Region Clean Water Program 484.250.5970 |
| Lenox Township Susquehanna County | PAR212245 | J&J Stone Products Inc. 900 Glenwood Road Hop Bottom, PA 18824 | Millard Creek— 4-F / CWF-MF | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |

Southcentral Region: Clean Water Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

| | | | | |
|--|-----------|---|-----------------------------------|---|
| Berks County / Sinking Spring Borough | PAR123550 | Marianne Egolf FM Browns Sons, Inc. 205 Woodrow Avenue, PO Box 0116 Sinking Springs, PA 19608-0116 | Cacoosing Creek / CWF & MF | DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707 |
| Berks County / Sinking Spring Township | PAR123549 | Marianne Egolf FM Browns Sons, Inc. 205 Woodrow Avenue, PO Box 0116 Sinking Springs, PA 19608-0116 | UNT Cacoosing Creek / CWF & MF | DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707 |

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Lancaster County /
Upper Leacock
Township

PAR203540

Jack Black
Ross Technology
Corporation
104 North Maple Avenue,
PO Box 646
Leola, PA 17540

UNT Groff Creek /
WWF

DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Lancaster County /
Denver Borough

PAR203533

Kalas Manufacturing,
Inc.,—Plant #1
167 Greenfield Road
Lancaster, PA 17601

Little Cocalico
Creek / TSF & MF

DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Franklin County /
Chambersburg
Borough

PAR803680

LKQ Penn-Mar, Inc.—
LKQ Triple Nickel Trucks
500 West Madison Street
Suite 2800
Chicago, IL 60661

Back Creek / TSF

DEP—SCRO—
Clean Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

General Permit Type—PAG-4

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Dimock Township
Susquehanna
County

PAG042234

Cabot Oil & Gas
Corporation
8279 State Route 29
Montrose, PA 18801

Burdick Creek—4-G
(CWF, MF)

DEP Northeast
Regional Office
Clean Water Program
2 Public Square,
Wilkes-Barre, PA
18701-1915
570.826.2511

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Hayfield Township
Crawford County

PAG041128

Stephanie R. &
William J. Burger
P.O. Box 225
Saegertown, PA 16433

Dry/intermittent
tributary to French
Creek 16-D

DEP
NWRO
Clean Water Program
230 Chestnut Street
Meadville, PA 16335-3481
814/332-6942

General Permit Type—PAG-6

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

North Braddock
Borough
Allegheny County

PAG066114

North Braddock Borough
600 Anderson Street
North Braddock, PA
15104

Turtle Creek

Southwest Regional Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh PA 15222-4745
(412) 442-4000

General Permit Type—PAG-13

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

East Rockhill
Township
Bucks County

PAG130162

East Rockhill Township
Bucks County
1622 North Ridge Road
Perkasie, PA 18944

East Branch
Perkiomen Creek,
Threemile Run and
Unnamed Tributary
of Tohickon Creek—
2-D and 3-E

DEP Southeast
Regional Office
Clean Water Program
2 E Main Street,
Norristown, PA 19401
484.250.5970

*Facility Location:
Municipality &
County*

Perkasie Borough
Bucks County

Permit No.

PAG130139

*Applicant Name &
Address*

Perkasie Borough
Bucks County
620 West Chestnut Street
PO Box 96
Perkasie, PA 18944

*Receiving
Water / Use*

East Branch
Perkiomen Creek,
Pleasant Spring
Creek and Unnamed
Tributary to East
Branch Perkiomen
Creek—3-E

*Contact Office &
Phone No.*

DEP Southeast
Regional Office
Clean Water Program
2 E Main Street,
Norristown, PA 19401
484.250.5970

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

*NPDES
Permit No.*

PAG136376
Waiver

*Applicant Name &
Address*

Belle Vernon Borough
110 Main Street
Belle Vernon, PA 15012

County

Fayette

Municipality

Belle Vernon
Borough

*Receiving
Water / Use*

Dunbar Creek

*DEP Protocol
(Y/N)*

N

*Facility Location:
Municipality &
County*

Dunbar Borough
Fayette County

Permit No.

PAG136137

*Applicant Name &
Address*

Dunbar Borough
47 Connellsville Street
Dunbar, PA 15431

*Receiving
Water / Use*

Dunbar Creek

*Contact Office &
Phone No.*

Southwest Regional Office:
Clean Water Program
Manager
400 Waterfront Drive
Pittsburgh PA 15222-4745
(412) 442-4000

PUBLIC WATER SUPPLY PERMITS

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

Northeast Region: Water Supply Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Permit No. 2400053, Operations Permit Public Water Supply.

Applicant

Aqua Pennsylvania, Inc.

1 Aqua Way
Hite Haven, Pa 18661

[Borough or Township]

Exeter Borough

County

Luzerne

Type of Facility

PWS

Consulting Engineer

Jonathan Morris, PE GHD
326 East Second St.
Bloomsburg, Pa 17815

**Permit to Operate
Issued**

9/27/2013

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Operations Permit issued to: **Granville Township Sewer/Water Department**, 4440018, Granville Township, **Mifflin County** on 10/9/2013 for the operation of facilities approved under Construction Permit No. 4411504 MA.

Operations Permit issued to: **Aqua Pennsylvania, Inc.**, 3060134, Marion Township, **Berks County** on 9/27/2013 for the operation of facilities submitted under Application No. 3060134.

Operations Permit issued to: **Autumn Estates LLC**, 4070054, Blair Township, **Blair County** on 9/26/2013 for the operation of facilities approved under Construction Permit No. 0713503 MA.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448.

Permit No. 1790501-T1-MA—Operation Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Ansonville Water Authority |
| Township/Borough | Jordan Township |
| County | Clearfield |
| Responsible Official | Roger Dudurich, Chairman Ansonville Water Authority 2411 Ansonville Road Irvona, PA 16656 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | N/A |
| Permit Issued | 10/3/13 |
| Description of Action | This permit is hereby amended in response to Ansonville Water Authority's request to remove Bressler Spring Nos. 3 and 4, as sources of supply. |

Permit No. 5513501-MA—Operation Public Water Supply.

| | |
|-----------------------|--|
| Applicant | Shamokin Dam Borough |
| Township/Borough | Shamokin Dam Borough |
| County | Snyder |
| Responsible Official | Edward J. Hovenstine |
| Borough Manager | Shamokin Dam Borough 42 West 8th Ave., Suite 1 P. O. Box 273 Shamokin Dam, PA 17876 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Rod G. Stahl Stahl Sheaffer Engineering 5 South Market Street, Suite 10 Selinsgrove, PA 17876 |
| Permit Issued | 10/3/13 |
| Description of Action | Change in method of disinfecting pre- and post-filtration water from injecting pure gas chlorine to feeding 12—15% sodium hypochlorite solution. |

Elkland Borough Water Authority (Public Water Supply), Tioga County: On October 15, 2013, the Safe Drinking Water Program approved the Source Water Protection (SWP) plan for Elkland Borough Water Authority. The personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP plan was funded by the Department of Environmental Protection (John C. Hamilton, P.E., (570) 327-3650).

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Operations Permit issued to: **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239, (PWSID #5020041) Plum Borough, **Allegheny County** on October 7, 2013 for the operation of facilities approved under Construction Permit # 0213527.

Operations Permit issued to: **Plum Borough Municipal Authority**, 4555 New Texas Road, Pittsburgh, PA 15239, (PWSID #5020041) Plum Borough, **Allegheny County** on October 7, 2013 for the operation of facilities approved under Construction Permit # 0212505MA.

Operations Permit issued to: **Authority of the Borough of Charleroi**, 3 McKean Avenue, PO Box 211, Charleroi, PA 15022, (PWSID #5630039) Fallowfield Township, **Washington County** on October 7, 2013 for the operation of facilities approved under Construction Permit # 6313503MA.

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Operation Permit issued to **Millcreek Township Water Authority**, PWSID #6250076, Millcreek Township, **Erie County**. Permit Number 361W2-T2-MA3 issued October 4, 2013 for the operation of the Public Water Supply system. This permit is issued in response to the submitted Certificate of Construction Completion/Modification and subsequent Bacteriological and VOCs test results to Department of Environmental Protection personnel on September 26, 2013.

Operation Permit issued to **Millcreek Township Water Authority**, PWSID #6250076, Millcreek Township, **Erie County**. Permit Number 361W2-T2-MA4 issued October 4, 2013 for the operation of the Public Water Supply system. This permit is issued in response to the submitted Certificate of Construction Completion/Modification and subsequent Bacteriological and VOCs test results to Department of Environmental Protection personnel on September 26, 2013.

Operation Permit issued to **Millcreek Township Water Authority**, PWSID #6250076, Millcreek Township, **Erie County**. Permit Number 2501501-MA1 issued October 4, 2013 for the operation of the Public Water Supply system. This permit is issued in response to the submitted Certificate of Construction Completion/Modification and subsequent Bacteriological and VOCs test results to Department of Environmental Protection personnel on September 26, 2013.

Operation Permit issued to **Jay Township Water Authority**, PWSID #6240005, Jay Township, **Elk County**. Permit Number 2411502 issued October 8, 2013 for the operation of the six element static mixer, the liquid sodium hypochlorination system, and the dry chemical feeders for sodium bicarbonate and potassium permanganate. This permit is issued in response to a Certificate of Construction Completion/Modification Form, received by the Department of Environmental Protection on September 9, 2013, and a subsequent inspection of the facilities on September 12, 2013, by Department staff.

Operation Permit issued to **Erie City Water Authority d/b/a Erie Water Works**, PWSID #6250028, City of Erie, **Erie County**. Permit Number 363W3-T1-MA5 issued October 9, 2013 for the operation of the 3.7 MG Davison Reservoir finished water storage tank, the Davison Avenue Transmission Main, and the Bird Drive Transmission Main. This permit is issued in response to the site inspection conducted by DEP personnel on August 16, 2013 and the submission by the engineering consultant on October 4, 2013 of the Certificate of Construction Completion/Modification form, bacteriological test results and VOC test results.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Plan Location: Forks Township Act 537 Planning Official Sewage Facilities Plan Update

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|---|---------------|
| Forks Township | 1606 Sullivan Trail Easton, PA 18042 | Northampton |

Plan Description: The approved plan provides for the sewage disposal needs of the entire township and consists of the implementation of an On-lot Sewage Management Program. The township will adopt an ordinance, known as the Forks Township On-lot Disposal System Management Ordinance, for the regular inspection, pumping and maintenance of on-lot sewage disposal systems. The Plan provides for the continued use of on-lot sewage disposal systems in areas outside of the designated public sewer service area. No near future expansion or extension of the Forks Township Collection and Conveyance System is proposed in the Plan.

The township's Sewage Management Program will include the following:

- Adopt On-lot Disposal System Ordinance
- Required pumping of OLDS at a minimum of every three years
- Pumper/Inspector report to be completed and given to property owner after each inspection; form to be forwarded to township when repairs are required or a malfunction is observed
- Educate property owners about OLDS and proper operation and maintenance procedures through website, newsletter, and pamphlets available at the township
- Sewage Management Program to be administered and enforced by the township SEO with aid from the Building and Zoning Office; no additional township personnel will be required

The Plan is approved with the following condition:

It is now Forks Township's responsibility to implement the 537 Plan Update in accordance with the schedules contained in the Plan.

Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707.

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|-----------------|
| Union Township | 177 Center Rd., Douglassville, PA 19518 | Berks County |

Plan Description: Approval of a revision to the official plan of Union Township, Berks County. The project is known as the Liberty Bell Motorsports Development. The plan provides for a 1 lot commercial development to generate a total of 5400 gallons of sewage per day to be served by a Sequencing Batch Reactor (SBR) wastewater treatment plant and drip irrigation system. The proposed development is located on Main St. (Rt. 724), Union Township, Berks County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-06968-163-3 and the APS Id is 807906. Any permits must be obtained in the name of Liberty Bell Motorsports Park.

Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Plan Location:

| <i>Borough or Township</i> | <i>Borough or Township Address</i> | <i>County</i> |
|----------------------------|--|---------------|
| Foster Township | 1185 East Main Street, Bradford, PA 16701 | McKean |

Plan Description: The approved plan amends the Foster Township September 2004 plan. The amendment serves to address the Phase III planning area such that environmental concerns are lessened by sewerage by using predominantly small diameter low pressure sewers and horizontal directional drilling installation, rather than the originally proposed gravity sewers. The Phase III area includes a portion of Harrisburg Run, Hedgehog Lane, Hedgehog Hollow, Highways 246 and 646, the Red Rock/Rob Roy area, South Kendall Avenue east of Corwins Corners, Rew Hill and the Village of Rew and includes 335 EDUs. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988

Notice of Reopening of Administrative Record

Mt. Laurel Road Battery Casings Site Alsace Township, Berks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. §§ 6020.101—6020.1305) had completed an interim response action at the Mt. Laurel Road Battery Casings Site (Site), Alsace Township, Berks County, Pennsylvania in April 2013.

Lead contaminated battery casings and soil were located at various depths on three adjoining residential properties located at 1991, 1993 and 1995 Mt. Laurel Road. The Site is located in a predominately-rural area, with mixed agricultural and residential uses. The lead contamination constituted a release of a hazardous substance which posed a threat to public health or safety through ingestion and dermal contact. Pursuant to the Department's Statement of Decision, the completed response action entailed excavation and offsite disposal of the battery casing material and contaminated soil above the Residential Statewide Health Standard (RSHS). It is not known how or when the battery casing waste was deposited at the Site, but it is suspected the waste was deposited as fill material circa the 1960s. The area was graded and grass was planted to restore the affected areas. Under the selected remedy, institutional controls in the form of environmental covenants attached to the deeds would be required at the properties located at 1991 and 1995 Mt. Laurel Road because battery casing material and contaminated soil above the RSHS was left behind in discrete areas of the property, such as along the foundations of the residences. These battery casings and this contaminated soil were not removed because it was not technically feasible from an engineering perspective and would not be cost-effective to do so. The total cost of the response action, which included the excavation and off-site disposal of all waste, as well as site restoration, was \$916,532.72.

The Department's Analysis of Alternatives and Proposed Response did not discuss environmental covenants for properties located at 1991 and 1995 Mt. Laurel Road. Therefore, the Administrative Record is being reopened with respect to the remedy selected for these two properties to allow the public to raise objections that were impracticable to raise during the original public comment period.

This notice is being provided pursuant to sections 506(g) and (h) of HSCA (35 P. S. §§ 6020.506(g) and (h)), and the publication of this notice in the *Pennsylvania Bulletin* starts the reopening of the administrative record period under HSCA. The Administrative Record that contains information about this site and that supported the Department's decision to perform this action at the site is available for public review and comment. The Administrative Record can be examined Monday through Friday from 8:00 a.m. to 3:30 p.m. at the Department's Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting David Hrobuchak at 717-705-4843. The Administrative Record can also be reviewed at the Alsace Township Building, 65 Woodside Avenue, Temple, PA 19560, telephone 610-929-5324 from 8:30 a.m. to 4:00 p.m., Monday through Friday.

The Administrative Record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* on October 26, 2013, and will remain open for 60 days. Persons may submit written comments regarding this action to the Department before December 26, 2013, by mailing them to Mr. Hrobuchak at the DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. The Department may hold a public hearing regarding the action if a written request is made to the Department to the above address by Monday, November 25, 2013. The hearing would be held shortly before the closure of the Administrative Record.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media;

benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Cespedes Residence, 1440 West Linden Street, Allentown City, **Lehigh County**, Dana Boyadjian, ECC Horizon, Inc., has submitted a Final Report on behalf of his client, Angel Cespedes, 1440 West Linden Street, Allentown, PA 18102, concerning the remediation of soil found to have been impacted by #2 fuel oil which was delivered to the wrong address and discharged through a disconnected supply pipe onto a concrete floor. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil. A public notice regarding the submission of the Final Report was published in *The Morning Call* on September 6, 2013.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

JMC Steel Group—Sharon Pipe Plant (fka John Maneely Company—Sharon Pipe Plant), 200 Clark Street, City of Sharon, **Mercer County**. TRC Environmental, 11231 Cornell Park Drive, Cincinnati, OH 45242, & ENVIRON International Corporation, 1760 Market Street, Suite 100, Philadelphia, PA 19103, on behalf of JMC Steel Group, 1 Council Avenue, Wheatland, PA 16161, submitted a Final Report concerning the remediation of site soil contaminated with Antimony, Arsenic, Cadmium, Chromium (total), Lead, Mercury, Selenium, Zinc, Aroclor 1248, Aroclor 1254, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Dibenzofuran, Naphthalene, N-nitrosodi-n-propylamine, Ethylbenzene, Tetrachloroethene, Trichloroethene, Xylenes (total) and groundwater contaminated with Chloride, Nitrogen (Ammonia), pH, Sulfate, Aluminum, Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium (total), Chromium (III), Chromium (VI), Cobalt, Copper, Iron, Lead, Manganese, Mercury, Nickel, Nitrate as N, Selenium, Thallium, Vanadium, Zinc, PCBs (total), Aroclor 1016, Aroclor 1242, Aroclor 1248, Aroclor 1254, Aroclor 1260, Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, Benzo[g,h,i]perylene, Benzo[k]fluoranthene, Bis[2-ethylhexyl]phthalate, Chrysene, Dibenz[a,h]anthracene, Hexachlorobenzene, Indeno[1,23-cd]pyrene, N-nitrosodi-n-propylamine, Pentachlorophenol, Phenanthrene, 2-Picoline, Benzene, Chlorobenzene, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 1,2,4-Trichlorobenzene, cis-1,2-Dichloroethene, Methylene Chloride, Tetrachloroethene, Trichloroethene, Vinyl Chloride, Xylenes (total), and 2,3,7,8-TCDD equivalent. The report

is intended to document remediation of the site to meet the Site-Specific, Statewide Health, & Background Standards.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Seneca Street CSO Treatment Facility, North of Schoolmaker Avenue, City of Monessen, **Westmoreland County**. Gannett Fleming, Inc. 207 Senate Avenue, Camp Hill PA 17011, on behalf of the Mon Valley Sewage Authority, submitted a Combined Remedial Investigation Report, Risk Assessment and Cleanup Plan. The site is contaminated with volatile organic compounds (VOCs) and heavy metals in groundwater and with heavy metals and semi-volatile organic compounds (SVOCs) in soil. The proposed future use of the property will be for the new satellite treatment facility to address combined sewer overflow (CSO) problems near Seneca Street. Notice of the submittal was published in the Valley Independent on August 23 2013.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

The Buncher Company—14th through 21st Street Property (aka Buncher Floating Restaurant, Buncher 16th Street Property—former Special Industrial Area) City of Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of The Buncher Company has submitted a Final Report/Combined Statewide Health and Site Specific Standards concerning the remediation of site soil and groundwater contaminated with metals, SVOCs and VOCs. This final report/Combined State Health and Site Specific Standards was received by the Department on October 3, 2013.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of

reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southcentral Region: Environmental Cleanup and Brownfields Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone 717.705.4705.

Route 41 Diner, 42 Route 41, Gap, PA 17527, Sadsbury Township, **Lancaster County**. Hafer Environmental Services, PO Box 4418, Reading, PA 19606, on behalf of the Estate of A. Charles Artinian, c/o ARA Real Estate, Inc., 725 Street Road, Cochranville, PA 19330, and Multani Brothers, Inc., PO Box 326, Gloucester City, NJ 08030-1544, submitted a Final Report for site soils and groundwater contaminated with petroleum hydrocarbons. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on October 10, 2013.

I-81 N & 322-22 W Interchange Diesel Spill, I-81 North and 322/22 West Interchange, Harrisburg, PA 17110, City of Harrisburg, **Dauphin County**. Environmental Products & Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111, on behalf of Tamerac Enterprise, LLC, 1468 Pine Road, Carlisle, PA 17015 submitted a Final Report concerning remediation of site soils contaminated with diesel fuel released from a tanker trailer accident and fire. The Final Report demonstrated attainment of the Non-Residential Statewide Health Standard, and was approved by the Department on October 11, 2013. Impacts to the surface waters and sediment within Paxton Creek and Wildwood Lake are being addressed in a separate report.

Bally Medical Center, 1311 Route 100 South, Bally, PA 19504, Washington Township, **Berks County**. Barry Isett & Associates, 1003 Egypt Road, Phoenixville, PA 19460, on behalf of Bally Investors, LLP, PO Box 620, Bala Cynwyd, PA 19004 and Lewis Environmental, 155 Railroad Plaza, Royersford, PA 19468, submitted a Final Report concerning remediation of site soils contaminated with gasoline released from a car's ruptured fuel tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on October 11, 2013.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Industrial Center of McKeesport, Industry Road and Center Street, City of McKeesport, **Allegheny County**. KU Resources, Inc. 22 South Linden Street, Duquesne PA 15110, on behalf of Regional Industrial Development Corporation of Southwestern Pennsylvania/RIDC Growth Fund, 425 Sixth Ave, Suite 500, Pittsburgh PA 15219, submitted a Final Report dated June 28 2013 concerning remediation of site soil and groundwater contaminated with metals SVOC's and chlorinated solvents. The Final Report demonstrated attainment of the statewide health and site specific standard, and was approved by the Department on October 9 2013.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

GP7-40-001: Kappa Graphics LP (50 Rock Street, Hughestown, PA 18640) on October 10, 2013, to construct and operate a sheet-fed offset lithographic press (1B) at their site in Hughestown Borough, **Luzerne County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP3-08-354A: Robert Johnson Flagstone, Inc. (3658 Old Stage Coach Road, Wyalusing, PA 18853) on October 2, 2013, to authorize construction and operation of a portable nonmetallic mineral processing plant pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their Sandt Quarry in Herrick Township, **Bradford County**.

GP9-08-354A: Robert Johnson Flagstone, Inc. (3658 Old Stage Coach Road, Wyalusing, PA 18853) on October 2, 2013, to authorize construction and operation of one (1) Caterpillar model C-9 CLJ04853 engine rated at 350 brake horsepower-hour (bhp-hr), one (1) Caterpillar model C13 RRA04102 engine rated at 440 bhp-hr and three (3) diesel-fired Deutz model TCD2012L04 2V engines, each rated at 100 bhp-hr pursuant to the General Plan Approval And/Or General Operating Permit For Diesel or #2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at the Sandt Quarry in Herrick Township, **Bradford County**.

GP3-08-337D: Glenn O Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on September 24, 2013, to authorize relocation and operation of a portable screening unit pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their Greens Landing facility in Athens Township, **Bradford County**.

GP3-08-337E: Glenn O Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on October 4, 2013, to authorize relocation and operation of a portable nonme-

tallic mineral processing plant pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at their Greens Landing facility in Athens Township, **Bradford County**.

GP11-08-337E: Glenn O Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on October 4, 2013, to authorize relocation and operation of one (1) 300 bhp CAT model JSC 05460 diesel-fired engine pursuant to the General Plan Approval and General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at the Greens Landing facility in Athens Township, **Bradford County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP5-16-147B: Pine City Extractions—Exotic Compressor Station (Route 322 North, Clarion, PA 16214) on October 9, 2013, to operate one (1) rich burn four stroke natural gas engine, Caterpillar Model G3306 NA rated 145 bhp at 1800 rpm, one (1) rich burn four stroke natural gas engine, Caterpillar Model G3306 TA rated 195 bhp at 1800 rpm, one (1) natural gas processing unit, one (1) 4,200 gallon produced water storage tank, with an estimated 22,995 gallons per year throughput, one (1) 30,000 gallon high pressure propane storage tank, with an estimated 540,000 gallons per year throughput (BAQ/GPA-GP-5) in Elk Township, **Clarion County**. This was previously permitted under Cooltech Hydrocarbon, LLC (GP5-16-147A).

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920

23-0038E: Delaware County Regional Water Quality Control Authority—DELCORA (P.O. Box 999, Chester, PA 19016) on October 7, 2013, to replace the existing caustic scrubber controlling odor emissions from the sludge holding tanks with a Biotrickling Filter at the Western Regional Treatment Plant in the City of Chester, **Delaware County**. The Biotrickling Filter uses air permeable inert media to allow microorganisms to attach and degrade odorous compounds, principally hydrogen sulfide (H₂S) in an inlet air stream. Sludge thickening and grease processing areas, adjacent to the sludge holding tanks, not previously controlled for odors, will be also be tied into the new proposed odor scrubber. The proposed Biotrickling Filter has an air flow rate capacity of 11,500 cubic feet per minute at 70°F. The scrubber will reduce the H₂S inlet level of a maximum of 80 ppm and an average of 50 ppm to an outlet concentration of 0.5 ppmv or a minimum of 99.0% efficiency, whichever case results in a higher concentration of H₂S. No increases in emissions are authorized with this Plan Approval.

The proposed scrubber is subject to only Commonwealth regulations, including 25 Pa. Code § 123.31, pertaining to odor limitations. The Plan Approval will include monitoring, recordkeeping and work practice conditions to assure optimum operation of the scrubber and compliance with the H₂S emissions limits.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

57-00005B: Appalachia Midstream Services, LLC (PO Box 54382, Oklahoma City, OK 73154-1382) on October 11, 2013, to issue a plan approval for construction of a 126 MMSCFD, TEG dehydration process with a reboiler rated for 2.0 MMBtu/hr, heat input for the Cherry Compressor Station (CS) owned by Appalachia Midstream Services, LLC (AMS) in Cherry Township, **Sullivan County**. The application also requested that the individual emission restrictions established in Plan Approval 57-00005A be combined into one restriction that would apply to all of the dehydration process (4 existing and 1 proposed) on combined basis rather than the limit of Plan Approval 57-00005A which applied to each of the existing dehydration process. The plan approval conditions include requirements to comply with all applicable federal and state regulatory requirements.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920

23-0114: Henry H. Ottens Manufacturing Co., Inc. (7800 Holstein Ave, Philadelphia, PA 19053) on October 8, 2013, to operate a savory flavoring manufacturing process in Folcroft Borough, **Delaware County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

67-05030E: CP Converters, Inc. (15 Grumbacher Road, York, PA 17406) on October 9, 2013, for to construct a new flexographic printing press controlled by a regenerative thermal oxidizer, at their facility in Manchester Township, **York County**. The plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

53-00009D: Morgan AM&T, Inc. (1118 East Second St., Coudersport, PA 16915) on October 10, 2013, to extend the authorization for the construction of an electric powered de-bind oven (Source ID 122) equipped with a natural gas fired thermal oxidizer (control device ID C122) to control the air contaminant emissions from the oven at their Coudersport plant in Eulalia Township, **Potter County** until April 12, 2014. The plan approval has been extended.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

65-00661C: Derry Construction Co., Inc. (527 Route 217, Latrobe, PA 15650) on October 8, 2013, to extend the temporary operation period for the counter flow drum mix asphalt plant at the Delmont Asphalt Facility, in Salem

Township, **Westmoreland County**. The new expiration date shall be April 14, 2014. The plan approval has been extended.

65-00865C: DNP IMS America Corp. (1001 Technology Drive, Mount Pleasant, PA 15666) on October 10, 2013, to complete compliance testing on new RTO, and to accomplish the peak production on new coating line to a maximum speed at their existing Mt. Pleasant coating line facility in East Huntingdon Township, **Westmoreland County**.

65-00979A: Laurel Mountain Midstream, LLC (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) on October 11, 2013, to extend the period of temporary operation of the Caterpillar G3612LE lean burn natural gas-fired compressor engine rated at 3,550 bhp and controlled by an oxidation catalyst authorized under plan approval PA-65-00979A at the Herminie Compressor Station in South Huntingdon Township, **Westmoreland County**. The plan approval has been extended.

11-00356C: Peoples Natural Gas Co., LLC (1201 Pitt Street, Pittsburgh, PA 15221) on October 15, 2013, to allow additional time for the construction of two natural gas compressor engines rated at 1,480 bhp each, to be known as Rager Engines No. 4 & No. 5, until April 26, 2014 at Laurel Ridge—Rager Mountain Station in Jackson Township, **Cambria County**. Temporary operation of a natural gas compressor engine rated at 1,340 bhp known as Laurel Ridge Engine No. 3 and a thermal oxidizer controlling emissions from Dehydrator No.1 and No.2 has also been extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program

06-05071: Sealed Air Corp. US (450 Riverfront Drive, Reading, PA 19602-2600) on October 3, 2013, for their recycled paper manufacturing facility in Reading City, **Berks County**. The Title V permit was renewed.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Zaman, Environmental Program Manager—Telephone: 570-327-3648

49-00006: Viking Energy of Northumberland, LLC (PO Box 7, 90 Plant Road, McAdoo, PA 18237) on September 11, 2013, to issue a renewal Title V Operating Permit for their facility in Point Township, **Northumberland County**. The facility's main sources include a wood-waste fired steam boiler, an emergency generator, a parts washer and ash and wood fuel handling operations. The Title V Operating Permit contains all applicable regulatory requirements including monitoring, record-keeping and reporting conditions.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

24-00083: Mersen USA St Marys (215 Stackpole Street, St Marys, PA 15857-1401) on October 11, 2013, issued an administrative amendment to the Title V

Operating Permit to incorporate the conditions from plan approval 24-083T into the permit for the facility in St Marys City, **Elk County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

19-00015: HRI, Inc. (1750 West College Avenue, State College, PA 16801) on October 9, 2013, to issue a renewal state only operating permit for their Bloomsburg asphalt plant in Hemlock Township, **Columbia County**. The facility's sources include one (1) 250 ton per hour batch asphalt plant. The renewal state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

56-00298: Garrett Limestone Co., Inc.—Romesburg Quarry (3307 Garrett Road, Garrett Pa 15542) on October 11, 2013, to issue a renewal State Only Operating Permit for their sand and gravel processing plant in the Black Township, **Somerset County**.

The subject facility consists of a crushing, screening, truck unloading and loading, transfer points and one diesel generators. A 1,106 HP diesel engine provides power to the entire site. The facility is limited to a limestone production of 317,344 tons per year. The 1,106 HP engine is limited to 40,512 gallons of fuel per year. The facility has the potential to emit 9.73 tpy NO_x, 0.08 tpy CO, 0.43 tpy SO_x, 0.24 tpy VOC, 20.20 tpy PM, and 20.0 tpy PM₁₀. The facility is be required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the survey performed must be recorded. Monthly records of processed limestone throughput, hours of operation and amount of diesel fuel consumed are required. The proposed authorization is subject to State and Federal Regulations (40 CFR 63 ZZZZ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636

10-00375: Harmony Castings, LLC (251 Perry Highway, Harmony, PA 16037) on October 8, 2013, for an initial natural minor operating permit to operate an Aluminum foundry in Harmony Borough, **Butler County**. The facility's emitting sources include: Aluminum Casting, Parts Washer, and Shot Blast. The emissions of pollutants from the facility are less than Title V threshold limits. Thus, the facility is considered a natural minor. Potential emissions from the facility are: SO_x: 0.02 TPY; NO_x: 0.41 TPY, CO: 1.42 TPY, VOC: 42.00 TPY, PM: 4.09 TPY, and, Methanol: 7.36 TPY. The facility is not currently subject to 40 CFR Part 63, Subpart ZZZZZZ because, the annual Aluminum melt production has been less than 600 tons per year (tpy) as stated in § 63.11544(a)(4).

33-00108: Brookville Hospital (100 Hospital Road, Brookville, PA 15825-1367) on September 10, 2013, for a renewal of the natural minor operating permit to operate a general medical and, surgical hospital in Brookville Borough, **Jefferson County**. The facility's major emission sources include four boilers and two emergency generators. The emissions of pollutants from the facility are less than Title V threshold limits. Thus, the facility is considered a natural minor. Potential emissions from the four boilers and two emergency generators combined are: PM: 6.81 Tons per year (TPY); SO_x: 5.82 TPY; NO_x: 88.85 TPY; and, CO: 19.14 TPY. The boilers are using natural gas as the primary fuel except for emergencies. Thus, the boilers are not subject to 40 CFR Part 63, Subpart JJJJJJ. The two emergency generators that are fueled by natural gas are exempt from 40 CFR Part 63, Subpart ZZZZ because the source is considered an existing institutional emergency stationary RICE (§ 63.6585(f)(3)).

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

23-00056: Honeywell Intl, Inc. (6100 Philadelphia Pike, Claymont, DE 19703) on October 7, 2013, a Non-Title V, State-Only, Natural Minor facility in Marcus Hook Borough, **Delaware County** submitted an application on September 9, 2013, for a Minor Operating Permit Modification. Honeywell has been approved for the revision of a condition that previously allowed them to operate their Boric Acid Transport Bag Filter with a pressure drop range of 0.1 to 10 inches water column. After data review and evaluation of unloading procedures, the condition was revised to reflect a more accurate pressure drop range. The range is now 0.1 to 35 inches water column only while boric acid is being unloaded. There is no emission increase at the facility. The permit will continue to contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Issued

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

63120102 and NPDES Permit No. PA0252239. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Permit issued for commencement, operation and reclamation of a bituminous surface mine, located in Fallowfield and Somerset Townships, **Washington County**, affecting 99.2 acres. Receiving streams: unnamed tributaries to Pigeon Creek. Application received: August 30, 2012. Permit issued: October 8, 2013.

63090101 and NPDES Permit No. PA0251941. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Revision permit issued for land use change from forestland to pastureland or land occasionally cut for hay to an existing bituminous surface mine, located in Nottingham Township, **Washington County**, affecting 399.3 acres. Receiving streams: unnamed tributaries to Mingo Creek and Sugar Run. Application received: April 30, 2013. Revision permit issued: October 9, 2013.

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191

33120101. P. and N. Coal Co., Inc. (P.O. Box 332, Punxsutawney, PA 15767) Revision to an existing bituminous surface mine to add 16.8 acres in Young Township, **Jefferson County** affecting a total of 105.1 acres. Receiving streams: Unnamed tributaries to Sawmill Run. Application received: June 20, 2013. Permit Issued: October 10, 2013.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

17060108 and NPDES PA0256404. RES Coal LLC (8912 Clearfield-Curwensville Highway, Clearfield PA 16830). Permit renewal issued for reclamation only to existing bituminous surface mine located in Morris Township, **Clearfield County**, affecting 67.8 acres. Receiving stream(s) Unnamed Tributary to Emigh Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 2, 2013. Permit issued: October 7, 2013.

Noncoal Permits Issued

Knox District Mining Office: P.O. Box 669, 310 Best Avenue, Knox, PA 16232-0669, 814-797-1191, (Contact: Javed Mirza)

10960301 and NPDES Permit No. PA0227196. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Marion Township, **Butler County** affecting 131.8 acres. Receiving streams: Unnamed tributaries to Blacks Creek and Blacks Creek, one unnamed tributary to Slippery Rock Creek. Application received: July 25, 2013. Permit Issued: October 9, 2013.

37070302 and NPDES Permit No. PA0258423. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Slippery Rock Township, **Lawrence County** affecting 101.0 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek. Application received: July 25, 2013. Permit Issued: October 9, 2013.

37100301 and NPDES Permit No. PA0258890. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Slippery Rock Township, **Lawrence County** affecting 47.0 acres. Receiving streams: Slippery Rock Creek. Application received: July 25, 2013. Permit Issued: October 9, 2013.

37010301 and NPDES Permit No. PA0241881. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Slippery Rock Township, **Lawrence County** affecting 197.0 acres. Receiving streams: Slippery Rock Creek. Application received: July 25, 2013. Permit Issued: October 9, 2013.

10060306 and NPDES Permit No. PA0258211. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Marion Township, **Butler County** affecting 54.5 acres. Receiving streams: Five unnamed tributaries to Blacks Creek and Blacks Creek, one unnamed tributary to North Branch Slippery Rock Creek. Application received: July 25, 2013. Permit Issued: October 9, 2013.

10110303 and NPDES Permit No. PA0259080. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Commencement, operation and restoration of a large industrial minerals mine in Washington Township, **Butler County** affecting 309.0 acres. Receiving streams: Unnamed tributaries to South Branch Slippery Rock Creek to Connoquenessing Creek. Application Received: May 3, 2011. Permit Issued: October 9, 2013.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200, (Contact: Janet Turner)

53090803. Tracy Crosby (307 East Oak Street, Coudersport, PA 16915). Final bond release for a small industrial minerals surface mine located in Roulette Township, **Potter County**. Restoration of 1.0 acre completed. Receiving stream(s): Fishing Creek. Application received on July 26, 2013. Final bond release approved October 4, 2013.

53110801. Kelly Crosby (307 East Oak Street, Coudersport, PA 16915). Final bond release for a small industrial minerals surface mine located in Roulette Township, **Potter County**. Restoration of 1.0 acre completed. Receiving stream(s): Fishing Creek. Application received on July 26, 2013. Final bond release approved October 4, 2013.

53060802. Robert F. and Cynthia M. Monroe (675 Southwoods Road, Coudersport, PA 16915). Final bond release for a small industrial minerals surface mine located in Homer Township, **Potter County**. Restoration of 1.0 acre completed. Receiving stream(s): Sinnemahoning Creek. Application received on July 26, 2013. Final bond release approved October 4, 2013.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

63134003. Clayco (2199 Innerbelt Business Center Dr., St. Louis, MO 63114). Blasting activity permit for the construction of the Southpoint 2 Dev., located in Cecil Township, **Washington County**. The duration of blasting is expected to last 90 days. Blasting permit issued: October 7, 2013.

30134002. Energy Corp. of America (501 56th Street SE, Charleston, WV 25304). Blasting activity permit for the construction of the Stelco Well Pad, to conduct seismic activity located in Jefferson Township, **Greene County**. The duration of blasting is expected to last nine months. Blasting permit issued: October 7, 2013.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200

41134108. Wampum Hardware Company (2856 Stoystown Rd, Friedens, PA 15541-7020). Blasting for well pad development located in Anthony Township, **Lycoming County** with an expiration date of December 31, 2014. Permit issued October 7, 2013.

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118

06134110. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Horizon Warehouse in Colebrookdale Township, **Berks County** with an expiration date of October 7, 2014. Permit issued: October 8, 2013.

36134155. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Emmanuel Stoltzfus manure pit in Leacock Township, **Lancaster County** with an expiration date of October 30, 2013. Permit issued: October 8, 2013.

45134111. Silver Valley Drilling & Blasting, Inc., (RR 4 Box 4196, Saylorsburg, PA 18353), construction blasting for Northampton Community College in Pocono Township, **Monroe County** with an expiration date of October 30, 2014. Permit issued: October 8, 2013.

46134119. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Upper Perkiomen YMCA in Hanover Township, **Montgomery County** with an expiration date of October 3, 2014. Permit issued: October 8, 2013.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be

sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E46-1092—Pennsylvania Department of Transport, District 6; 7000 Geerdes Blvd, Upper Merion Township, West Norriton Township, **Montgomery County**. ACOE Philadelphia District

To perform the below-listed water obstruction and encroachment activities across Schuylkill River (WWF-MF) to facilitate the construction of a Pedestrian Bridge connecting the Schuylkill River Trail to public lands of the Valley Forge National Historical Park located on both side of the river. This bridge will be constructed in the right of way of the demolished Old Betzwood Pike Bridge which carried Trooper Road, State Route (SR 3051) over the Schuylkill River at the time:

1. To the remove three old bridge pier foundations (form the demolished Old Betzwood Pike Bridge) and to construction and maintain three new piers in the Schuylkill River to support the proposed multi-use bicycle/pedestrian bridge.
2. To construct and maintain approximately 65,000 cubic yards of rock scour protection around all the proposed piers.
3. To construct temporary rock causeway to access the old pier removal and new pier construction creating temporary impacts to the stream.
4. To place temporary fill of approximately 4,000 SF into the stream to facilitate cofferdams for the removal of the old piers and the construction of the proposed piers.

This project site will have approximately 0.14 acre of permanent stream impact and approximately 0.69 acre of temporary stream impacts. The project site is located approximately 268 feet south of the intersection of Trooper Road and Sullivan Lane at the boundary of West Norriton and Upper Merion Townships, Montgomery County. (PA Valley Forge USGS Quadrangle N: 19.63 inches; W: 6.46 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

E09-977 Pennsylvania Department of Transport, District 6, 7000 Geerdes Blvd, King of Prussia, Warminster and Warwick Townships, **Bucks County.** ACOE Philadelphia District

To perform the following water obstruction and encroachment activities associated with the roadway widening and other improvement of approximately 3.9 miles of State Route 263 (York Road) between Bristol Road (S.R. 2025) and just south of Sugar Bottom Road (S.R. 2113) in Warminster and Warwick Townships:

1. To realign the confluence of two unnamed tributaries to Neshaminy Creek to facilitate the natural meandering of the stream at that point and prevent sediment deposits.

2. To remove and replace approximately 13 cubic yards of existing R-6 scour protection around pier 2 of the SR 0263 bridge over the Little Neshaminy Creek (TSF).

3. To place and maintain fill along approximately 31 linear feet of an unnamed tributary to the Little Neshaminy Creek to facilitate temporary construction easement in the vicinity of Road Station 183+50.

4. To place and maintain fill along approximately 79 linear feet of an unnamed tributary to the Little Neshaminy Creek on the southbound side of SR 0263 (Road Station 184+00) to accommodate slope stability improvements.

5. To construct and maintain an 18-inch corrugated metal pipe (CMP) enclosure replacing an existing 18-inch reinforced concrete pipe (RCP) enclosure of an unnamed tributary to the Little Neshaminy Creek at River Station 197+38.

6. To fill approximately 70.36 linear feet (709.96 square feet) of an existing stormwater channel discharging into an unnamed tributary to Neshaminy Creek and divert the source of the stormwater discharge from the existing 24-inch RCP by another route under SR 0263 to the proposed stormwater management BMP device at Sta. 237+50.

7. To construct and maintain a 31-inch by 51-inch arch RCP culvert and wingwalls in place of the existing 35-inch by 57-inch elliptical CMP culvert located approximately at Station 222+00. Work will involve the modification of the roadway approach grading to accommodate the replacement.

8. To construct and maintain a 19-inch by 30-inch reinforced concrete elliptical pipe (RCEP) and a 24-inch by 38-inch pipe in place of an existing 18-inch RCP storm sewer system that conveys an unnamed tributary to Neshaminy Creek which passes under SR 0263 located in the vicinity of Station 279+80.

9. To place and maintain fill within an unnamed tributary to the Neshaminy Creek located between Stations 328+75 and 330+00 to accommodate the proposed roadway widening.

10. To construct and maintain a 73-inch by 45-inch arch RCP culvert at Road station 290+50 replacing an existing 72-inch by 43-inch elliptical CMP culvert.

11. To replace and maintain a 24-inch RCP enclosure, in kind, along an unnamed tributary to Neshaminy Creek located approximately at Station 231+50.

12. To construct and maintain a temporary access road crossing over an unnamed tributary to the Little Neshaminy Creek approximately located at Station 184+00 to facilitate the project objectives.

13. To construct and maintain an 18-inch diameter RCEP stormwater outfall into the Little Neshaminy Creek approximately located at Station 167+97 associated with a proposed stormwater management basin.

14. To construct and maintain an 18-inch diameter RCP stormwater outfall and associated TRM located approximately at Station 196+66 which will discharge stormwater from a trench drain constructed under SR 0263, to an unnamed tributary to the Little Neshaminy Creek

15. To construct and maintain an 18-inch diameter RCP stormwater outfall discharging into an unnamed tributary to Neshaminy Creek approximately located at Station 238+53. The outlet of this pipe will include a proposed wingwall and will collect discharge stormwater from bypass runoff to Waterway T.

16. To construct and maintain an 18-inch RCP outfall structure to an unnamed tributary to Neshaminy Creek located approximately at Station 287+28. The outlet will discharge from a proposed vegetated swale.

17. To construct and maintain a 38-inch by 60-inch diameter RCEP outfall structure to an unnamed tributary to Neshaminy Creek, located approximately at Station 238+36 and discharging stormwater from a proposed stormwater management basin.

18. To place and maintain fill within an unnamed tributary of Neshaminy Creek, located approximately between Stations 265+00 and 266+00, to accommodate the proposed roadway widening.

19. To place and maintain temporary fill within an unnamed tributary to the Neshaminy Creek located approximately between Stations 289+50 and 290+10. The fill will accommodate a temporary erosion and sedimentation control device during construction.

20. To extend and maintain an existing 18-inch CMP outfall by 12 feet at the headwaters of an unnamed tributary to the Neshaminy Creek.

The project site commences at the intersection of Bristol Road and York Road (SR 0263) and ends approximately 3.9 north at the intersection of Sugar Bottom Road and York Road (SR 0263) in Warwick and Warminster Townships, Bucks County, (Latitude 40° 14' 33.95"; Longitude 75° 05' 23.83").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.

E07-447: Dwayne Ross, 223 Wilt Lane, Altoona, PA 16601 in Logan Township, **Blair County,** ACOE Baltimore District.

To (1) construct and maintain a 25-foot long 16-foot wide bridge with 8-foot wing walls and R-6 rip rap protection on both sides crossing of Homer Gap Run (WWF, MF), and (2) maintain 500 cubic feet of fill within the floodway of Homer Gap Run (WWF, MF), for the purpose of accessing private property. The project is located on the south side of Homers Gap Road (Altoona, PA Quadrangle Latitude: 40° 33' 38", Longitude -78° 23' 51") in Logan Township, Blair County. This permit was issued on October 7, 2013.

E06-687: Union Township, 1445 East Main Street. Douglassville, PA 19518 in Union Township, **Berks County**, ACOE Baltimore District.

To install and maintain 1) two 42.0-foot long 30.0-inch diameter HDPE slipline pipes inside two existing 36.0-inch diameter corrugated metal pipe culverts in an unnamed tributary to Sixpenny Creek (CWF, MF), 2) 58-linear feet of riprap bank protection along an unnamed tributary to Sixpenny Creek (CWF, MF), and 3) a 10-linear foot cross rock vein in an unnamed tributary to Sixpenny Creek (CWF, MF) all in Union Township, Berks County (Latitude: 40°14'46", Longitude: -75°47'1"). The project proposes to permanently impact 113 linear feet of stream, temporarily impact 45 linear feet of stream, and have no wetland impact. This permit was issued on October 7, 2013.

E22-594: Dauphin County Commissioners, PO Box 1295, Harrisburg, PA 17108 in Middle Paxton and Susquehanna Townships, **Dauphin County**, ACOE Baltimore District.

To 1) construct and maintain a 17' x 15' non-motorized boat ramp, permanently impacting 0.01 acres of palustrine emergent wetlands and 17.0 lineal feet of the Susquehanna River (WWF, MF); 2.) place and maintain 24 cubic yards of fill in the floodway of the Susquehanna River (WWF, MF) and 54 cubic yards of fill in the floodplain of the Susquehanna River (WWF, MF) (Latitude: 40°20'26", Longitude: -76°54'35"); 3) construct and maintain a stormwater outfall in palustrine emergent wetlands, permanently impacting 0.01 acre of wetlands (Latitude: 40°20'24", Longitude: -76°54'34"); 4) construct and maintain a parking area that is approximately 420' x 30', including placing and maintaining 357 cubic yards of fill in the floodway of the Susquehanna River (WWF, MF) and 1,427 cubic yards of fill in the floodplain of the Susquehanna River (WWF, MF) (Latitude: 40°20'27", Longitude: -76°54'32"); 5) construct and maintain a 15' x 12' non-motorized boat ramp, permanently impacting 12.0 lineal feet of Fishing Creek (WWF, MF) (Latitude: 40°20'38", Longitude: -76°54'34"); and 6) construct and maintain a parking area that is approximately 230' x 190', including placing and maintaining 2,495 cubic yards in the floodway of Fishing Creek (WWF, MF) and 350 cubic yards of fill in the floodplain of Fishing Creek (WWF, MF) (Latitude: 40°20'38", Longitude: -76°54'34"). The project is located near the intersection of Fishing Creek Valley Road and North Front Street (Latitude: 40°20'27", Longitude: -76°54'32") in Middle Paxton Township and Susquehanna Township, Dauphin County.

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E33-249, PA Department of Transportation, District 10-0, P.O. Box 429, Indiana, PA 15701 within the Borough of Summerville, **Jefferson County**, ACOE Pittsburgh District to remove the existing three span steel multi-girder bridge and to construct and maintain a 40.0 foot out to out three span steel plate girder bridge having

three normal clear spans of 64.7 feet each and an underclearance of 15.4 feet across Red Bank Creek (TSF) within the flood plain and re-aligned upstream of existing structure. The roadway will also be re-aligned on both approaches of the new structure located on S.R. 3007, Segment 0130, Offset 0144 (Summerville, PA Quadrangle N: 41°, 07', 1.9"; W: 79°, 11', 11.3"). The project also proposes a temporary causeway for construction. A total of 210 linear feet of Red Bank Creek will be impacted as a result of the project.

E42-362, Foster Township Supervisors, 1185 East Main Street, Bradford, PA 16701 in Foster Township, **McKean County** ACOE Pittsburgh District to install 69 stream crossings by horizontal directional drill (HDD), including crossings of Bennett Brook, Foster Brook, Kendall Creek, South Branch Cole Creek, and their tributaries, 9 crossings of EV wetlands by HDD, and temporary impact to 15 sq. ft. of EV wetland for one HDD bore pit associated with construction of 93,000 ft of HDPE low pressure force main and 2160 ft. of gravity sewer (Bradford & Derrick City, PA Quadrangle N: 41°, 56', 35"; W: 78°, 35', 18").

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-048. Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Gibson Township, **Susquehanna County**, ACOE Baltimore District. To construct, operate, and maintain:

1) a 16-inch natural gas pipeline and timber bridge crossing impacting 92 lineal feet of an unnamed tributary to Bell Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 46' 07" Lat., W -75° 37' 35" Long.),

2) a 16-inch natural gas pipeline and timber bridge crossing impacting 127 lineal feet of an unnamed tributary to Bell Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 46' 06" Lat., W -75° 37' 34" Long.),

3) a 16-inch natural gas pipeline crossing impacting 4 lineal feet of an unnamed tributary to Bell Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 46' 06" Lat., W -75° 37' 29" Long.),

4) a 16-inch natural gas pipeline crossing impacting 10 lineal feet of Bell Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 46' 06" Lat., W -75° 37' 27" Long.),

5) a 16-inch natural gas pipeline crossing impacting 3 lineal feet of an unnamed tributary to Bell Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 46' 06" Lat., W -75° 37' 24" Long.),

6) a 16-inch natural gas pipeline and timber bridge crossing impacting 51 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 46' 17" Lat., W -75° 36' 37" Long.),

7) a 16-inch natural gas pipeline and timber bridge crossing impacting 78 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 46' 50" Lat., W -75° 36' 00" Long.),

8) a 16-inch natural gas pipeline and timber bridge crossing impacting 108 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 46' 55" Lat., W -75° 35' 54" Long.),

9) a 16-inch natural gas pipeline and timber bridge crossing impacting 89 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 46' 58" Lat., W -75° 35' 57" Long.),

10) a 16-inch natural gas pipeline and timber bridge crossing impacting 81 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 47' 09" Lat., W -75° 35' 54" Long.),

11) a 16-inch natural gas pipeline and timber bridge crossing impacting 50 lineal feet of Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 47' 41" Lat., W -75° 35' 11" Long.),

12) a 16-inch natural gas pipeline and timber bridge crossing impacting 81 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 47' 41" Lat., W -75° 35' 08" Long.),

13) a 16-inch natural gas pipeline and timber bridge crossing impacting 59 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; N 41° 47' 41" Lat., W -75° 35' 06" Long.),

14) a 16-inch natural gas pipeline and timber mats impacting 20,473 square feet (0.47 acre) of a PSS wetland (Thompson, PA Quadrangle; N 41° 46' 06" Lat., W -75° 37' 31" Long.),

15) a 16-inch natural gas pipeline and timber mat crossing impacting 2,178 square feet (0.05 acre) of a PEM wetland (Thompson, PA Quadrangle; N 41° 46' 55" Lat., W -75° 35' 54" Long.),

16) a timber mat crossing impacting 871 square feet (0.02 acre) of a PEM wetland (Thompson, PA Quadrangle; N 41° 46' 59" Lat., W -75° 35' 58" Long.),

17) a 16-inch natural gas pipeline and timber mat crossing impacting 16,117 square feet (0.37 acre) of a PEM wetland (Thompson, PA Quadrangle; N 41° 47' 33" Lat., W -75° 35' 37" Long.),

18) a 16-inch natural gas pipeline and timber mat crossing impacting 871 square feet (0.02 acre) of a PEM wetland (Thompson, PA Quadrangle; N 41° 47' 41" Lat., W -75° 35' 11" Long.),

19) a 16-inch natural gas pipeline and timber mat crossing impacting 14,810 square feet (0.34 acre) of a PFO wetland (Thompson, PA Quadrangle; N 41° 47' 41" Lat., W -75° 35' 07" Long.).

The project consists of constructing approximately 4.5 miles of 16" natural gas gathering line from the Reilly J. well pad routed to the Southwest to the Davis pipeline in Gibson Township, Susquehanna County. The project will result in 833 lineal feet of stream channel, 0.46 acre of temporary wetland impact, and 0.81 acre of permanent wetland conversion impacts, all for the purpose of conveying Marcellus Shale natural gas to market.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also

available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701

ESCP 2 # 0813802

Applicant Name Tennessee Gas Pipeline Co. LLC

Contact Person Howdy McCracken

Address 1001 Louisiana Ave., Ste 1000

City, State, Zip Houston, TX 77002

County Bradford

Township(s) Wyalusing Township

Receiving Stream(s) and Classification(s) UNT to Wyalusing Creek—WWF

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, Pa 16335

ESCGP-1 #ESG13-065-0004—DM Wingard Well Pad

Applicant EQT Production

Contact Todd Klaner

Address 455 Racetrack Road Suite 101

City Washington State PA Zip Code 15301

County Jefferson Township(s) Polk(s)

Receiving Stream(s) and Classification(s) Lucas Run, North Fork Redbank Creek

ESCGP-1 #ESG13-065-0005—Sulgar Pad A

Applicant Seneca Resources Corporation

Contact Mr. Michael Clinger

Address 51 Zents Boulevard

City Brookville State PA Zip Code 15825

County Jefferson Township(s) Warsaw(s)

Receiving Stream(s) and Classification(s) Trib 48577 to Laurel Run (HQ-CWF/HQ-CWF); Trib 48592 to Mill Creek (CWF/CWF)

ESCGP-1 #ESX13-085-0024—Reges To Pilgram 1H

Pipeline

Applicant Halcon Field Services, LLC

Contact Rich DiMichele

Address 2984 Kirlia Blvd

City Hermitage State PA Zip Code 16148

County Mercer Township(s) Otter Creek and Delaware(s)

Receiving Stream(s) and Classification(s) Otter Creek, Mathy Run, UNT 35738 to Otter Creek, Neshannock Creek, TSF / WWF

ESCGP-1 #ESX12-085-0002A-Phillips Well Pad-Major Modification

Applicant Halcon Operating Co., LLC

Contact Gregg Stewart

Address 600 Cranberry Woods Drive, Suite 150

City Cranberry Township State PA Zip Code 16066

County Mercer Township(s) West Salem(s)

Receiving Stream(s) and Classification(s) Tributary to Booth Run, Booth Run—WWF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESG13-105-0001

Applicant Name UGI Energy Services, Inc.
Contact Person Casey Monagan
Address One Meridian Blvd., Suite 2C01
City, State, Zip Wyomissing, PA 19610
County Potter County
Township(s) Abbott Township
Receiving Stream(s) and Classification(s) Boedler Branch and Germania Branch/Upper Kettle Creek

ESCGP-1 # ESX13-115-0101

Applicant Name Bluestone Pipeline Company of PA, LLC
Contact Person Herman C. Eck, Jr.
Address P.O. Box 839, 1429 Oliver Road
City, State, Zip New Milford, PA 18834
County Susquehanna County
Township(s) Thompson Township
Receiving Stream(s) and Classification(s) Great Bend Susquehanna Watershed (CWF/MF)

ESCGP-1 # ESX13-115-0092

Applicant Name Chief Oil & Gas LLC
Contact Person Jeffrey Deegan
Address 6051 Wallace Road Ext., Suite 300
City, State, Zip Wexford, PA 15090
County Susquehanna County
Township(s) Lenox Township
Receiving Stream(s) and Classification(s) UNT to Tower Branch (CWF/NRT)

ESCGP-1 # ESX12-115-0221 (01)

Applicant Name Williams Field Services Company, LLC
Contact Person Lauren Miladinovich
Address Park Place Corporate Center 2, 2000 Commerce Drive
City, State, Zip Pittsburgh, PA 15275
County Susquehanna County
Township(s) Lenox Township
Receiving Stream(s) and Classification(s) Millard Creek, Tower Branch (CWF-MF/NRT) and Tribs thereto.

ESCGP-1 # ESX13-115-0105

Applicant Name Cabot Oil & Gas Corporation
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276
County Susquehanna County
Township(s) Jessup Township
Receiving Stream(s) and Classification(s) East Branch Wyalusing Creek and UNTs thereto (CWF/MF)

ESCGP-1 # ESG13-115-0058 (01)

Applicant Name Angelina Gathering Company, LLC
Contact Person Danny Spaulding
Address 2350 N. Sam Houston Pkwy, E., Suite 125
City, State, Zip Houston, TX 77032
County Susquehanna County
Township(s) New Milford Township
Receiving Stream(s) and Classification(s) Beaver Creek (HQ-CWF/MF), Martins Creek (CWF/MF) and Tribs thereto.

ESCGP-1 # ESX11-117-0036 (03)

Applicant Name SWEPI LP
Contact Person Jason Shoemaker
Address 2100 Georgetown Drive, Suite 400
City, State, Zip Sewickley, PA 15143
County Tioga County
Township(s) Sullivan Township
Receiving Stream(s) and Classification(s) Tribs to Corey Creek (CWF/MF);
Secondary: Tioga River (CWF/MF)

ESCGP-1 # ESX13-115-0099

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Susquehanna County
Township(s) Auburn Township
Receiving Stream(s) and Classification(s) Little Meshoppen Creek (CWF/MF);
Secondary: Meshoppen Creek (CWF/MF)

ESCGP-1 # ESG13-015-0020 (01)

Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford and Sullivan Counties
Township(s) Overton and Elkland Townships
Receiving Stream(s) and Classification(s) Mill Creek;
Secondary Little Loyalsock (EV)

ESCGP-1 # ESX13-115-0115

Applicant Name PVR NEPA Gas Gathering, LLC
Contact Person Nicholas Bryan
Address 101 West Third Street
City, State, Zip Williamsport, PA 17701
County Susquehanna County
Township(s) Lathrop Township
Receiving Stream(s) and Classification(s) Horton Creek and UNTs thereto (CWF/MF)

ESCGP-1 # ESG13-081-0054

Applicant Name Seneca Resources Corporation
Contact Person Michael Clinger
Address 5800 Corporate Drive, Suite 300
City, State, Zip Pittsburgh, PA 15237
County Lycoming County
Township(s) Lewis and Gamble Townships
Receiving Stream(s) and Classification(s) (2) UNTs to Lycoming Creek (HQ/CWF), Mill Creek (TSF-MF/EV);
Secondary: Antes-Lycoming Creek (EV)

ESCGP-1 # ESX13-115-0111

Applicant Name Williams Field Services Company, LLC
Contact Person Lauren Miladinovich
Address Park Place Corporate Center 2, 2000 Commerce Drive
City, State, Zip Pittsburgh, PA 15275
County Susquehanna County
Township(s) Brooklyn Township
Receiving Stream(s) and Classification(s) Tribs. 28959 & 28961 to Hop Bottom Creek, Hop Bottom Creek (CWF);
Secondary: Hop Bottom Creek

ESCGP-1 # ESX13-081-0060

Applicant Name Inflection Energy LLC
Contact Person Thomas Gillespie
Address 49 E. Fourth Street, Suite 101
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) Fairfield Township
Receiving Stream(s) and Classification(s) Bennetts Run (WWF);
Secondary: West Branch Susquehanna River

Southwest Region: Oil & Gas Program Mgr. 400 Waterfront Dr. Pittsburgh PA

ESCGP-2 No: ESX13-125-0040

Applicant Name: Range Resources Appalachia LLC
Contact Person Mr Glenn D Truzzi
Address: 3000 Town Center Boulevard
City: Canonsburg State: PA Zip Code: 15317
County: Washington Township: Smith

Receiving Stream (s) And Classifications: UNTs to Raccoon Creek / Raccoon Creek Watershed; Other WWF; Siltation—Impaired

ESCGP-2 No.: ESX13-063-0009

Applicant Name: XTO Energy Inc

Contact Person: Melissa Breitenbach

Address: 502 Keystone Drive

City: Warrendale State: PA Zip Code: 15086

County: Indiana Township(s): Center

Receiving Stream(s) and Classifications: UNT to Aultmans Run (TSF); Other; Siltation-Impaired

ESCGP-2 No.: ESX13-129-0009

Applicant Name: CNX Gas Company LLC

Contact Person: Mr Jonathan Madill

Address: 280 Indian Springs Road Suite 333

City: Indiana State: PA Zip Code: 15701

County: Westmoreland Township(s): Bell

Receiving Stream(s) and Classifications: Kiskimintas River / Trib 43075 to Kiskimintas River; Other WWF; Siltation-Impaired

ESCGP-2 No.: ESX09-129-0007 MAJOR REVISION

Applicant Name: WPX Energy Appalachia LLC

Contact Person: Mr David R Freudenrich

Address: 6000 Town Center Boulevard Suite 300

City: Canonsburg State: PA Zip Code: 15317

County: Westmoreland Township(s): Derry

Receiving Stream(s) and Classifications: UNTs to Stony Run / Conemaugh River, CWF UNT to Loyalhanna Creek, Loyalhanna Creek, WWF: Other CWF, WWF: Siltation-Impaired

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483.

Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335

Well Permit #: 081-21335-00-00

Well Farm Name Allegheny Ridge West Hillegas 5

Applicant Name: Inflection Energy, LLC.

Contact Person: Thomas D. Gillespie, P.G.

Address: 1200 17th Street, Suite 1350 Denver, CO 80202

County: Lycoming

Municipality: Upper Fairfield Township

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Huntersville

Well Permit #: 081-21336-00-00

Well Farm Name Allegheny Ridge West Hillegas 2

Applicant Name: Inflection Energy, LLC.

Contact Person: Thomas D. Gillespie, P.G.

Address: 1200 17th Street, Suite 1350 Denver, CO 80202

County: Lycoming

Municipality: Upper Fairfield Township

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Huntersville

Southwest District: District Oil and Gas Operations, Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222

Well Permit #: 005-31173-00

Well Farm Name: Ralph Myers etux 1M-35

Applicant Name: MDS Energy Development LLC

Contact Person: Randall L. Morris, Jr.

Address: 409 Butler Road, Suite A Kittanning, PA 16201

County: Armstrong

Municipality Name/City, Borough, Township: Gilpin Twp

Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Tributary 42831 to Elder Run

SPECIAL NOTICES

General NPDES Permit for Stormwater Discharges Associated with Construction Activities

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

PAG-2-27-32-13-001, Forcey Coal, Inc., 475 Banion Road, Madera, PA 16661. General NPDES Permit for Stormwater Discharges Associated with Construction Activities on GFCC No. 32-12-01 in Grant Township, **Indiana County**. Receiving streams: East Run tributary to Little Mahoning Creek, classified for the following uses: High Quality-Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for coverage received: April 15, 2013. Coverage approved: October 7, 2013.

[Pa.B. Doc. No. 13-1991. Filed for public inspection October 25, 2013, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 012-4180-001. **Title:** Policy for the Consideration of Community Environmental Projects (CEP) in Conjunction with Assessment of Civil Penalty. **Description:** This policy provides guidance on the process Department staff will follow for considering, in appropriate situations, the acceptance of a CEP in lieu of a portion of the amount of a civil penalty. This policy also provides guidance on what types of projects will generally be found to be acceptable and unacceptable.

Written Comments: Interested persons may submit written comments on this Draft Policy by 5 p.m. on November 25, 2013. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by electronic mail, must include the originator's name and address. Written comments should be submitted to Holly Cairns, Department of Environmental Protection, 400 Market Street, P. O. Box 2063, Rachel Carson State Office Building, Harrisburg, PA 17105-2063, (717) 787-6490 or electronically to RA-EPpubliccomments@pa.gov.

Contact: Questions regarding this action should be directed towards to Holly Cairns at (717) 787-6490 or RA-EPpubliccomments@pa.gov.

Effective Date: Upon publication as final in the *Pennsylvania Bulletin*.

Final Technical Guidance Document—Minor Revision

DEP ID: 262-4500-606. **Title:** Applicable or Relevant and Appropriate Requirements (ARARs) for Cleanup Response and Remedial Actions in Pennsylvania. **Description:** This Technical Guidance Document has been renumbered due to the Department's reorganization. It was formerly published under the document number 253-4500-606 (Bureau of Waste Management) and has been changed to 262-4500-606 (Bureau of Environmental Cleanup and Brownfields). Other changes in this document also reflect the Department's reorganization.

Contact: Questions regarding this action should be directed to Mark Conaron at (717) 783-9165 or mconaron@pa.gov.

Effective Date: October 26, 2013.

Final Technical Guidance—Supplementary Comment Period

DEP ID: 021-2100-001. **Title:** Policy for Implementing the Department of Environmental Protection (Department) Permit Review Process and Permit Decision Guarantee. **Description:** On July 24, 2012, Governor Corbett signed Executive Order 2012-11 "Permit Decision Guarantee

for the Department of Environmental Protection" directing the Department to, among other things, establish a Permit Review Process and Permit Decision Guarantee. The executive order also rescinded the Money Back Guarantee created under Executive Order 1995-5.

The Department has evaluated the effectiveness of the new process and guarantee established through this policy on a quarterly basis throughout the first year of implementation. As part of our program evaluation the Department is holding a supplementary comment period on this policy.

Information pertaining to the Department's Permit Review Process and Permit Decision Guarantee can be found on the Department's web site at www.dep.state.pa.us (DEP Search/Keyword: Permit Decision Guarantee).

Written Comments: Interested persons may submit written comments on this Technical Guidance Document by December 4, 2013. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by electronic mail, must include the originator's name and address. Written comments should be submitted to Daniel Coulter, 400 Market Street, Harrisburg PA, 17101, (717) 772-5626, dcoulter@pa.gov.

Contact: Questions regarding this action should be directed towards to Daniel Coulter at (717) 772-5626 or dcoulter@pa.gov.

Effective Date: The document became effective on November 3, 2012. Any revisions that may be made in response to public comments will become effective upon publication as final in the *Pennsylvania Bulletin*.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-1992. Filed for public inspection October 25, 2013, 9:00 a.m.]

Extension of General Permit Number WMGR081 for Processing and Beneficial Use of Electronic Equipment and Components by Sorting, Disassembling or Mechanical Processing

Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20), the Department of Environmental Protection (Department) is, by this notice, extending the permit term of General Permit Number WMGR081 for a period of 6 months to April 21, 2014. General Permit WMGR081 is currently scheduled to expire at 12 a.m. on October 21, 2013. This 6-month extension will be effective on October 21, 2013, and will expire at 12 a.m. on April 21, 2014, or upon issuance of an amended General Permit Number WMGR081.

The Department is extending the term of this general permit to complete necessary revisions to the permit and include provisions of the Covered Device Recycling Act (35 P. S. §§ 6031.101—6031.702).

The opportunity to apply for a determination of applicability under General Permit Number WMGR081 will continue to be available from the Department under the current general permit until it is replaced or updated. In addition, the permit documents are on file at the Depart-

ment's Bureau of Waste Management, Rachel Carson State Office Building, 400 Market Street, 14th Floor, Harrisburg, PA 17106.

The permit documents can also be obtained by contacting Peter Arnt at (717) 787-7381 or parnt@pa.gov. Persons with a disability may use the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). General Permit Number WMGR081 is also available on the Department's web site at <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=589685&mode=2>.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-1993. Filed for public inspection October 25, 2013, 9:00 a.m.]

Mine Families First Response and Communications Advisory Council Meeting

The Department of Environmental Protection (Department), Bureau of Mine Safety, announces a meeting of the Mine Families First Response and Communications Advisory Council (Council) on October 31, 2013, at 10 a.m. in the Fayette County Health Center, Uniontown, PA. The agenda and meeting materials for the October 31, 2013, meeting will be available through the Public Participation Center on the Department's web site at www.dep.state.pa.us (select "Public Participation Center," "DEP Advisory Committees," "Mine Families First Response and Communications Advisory Council").

Questions concerning the Council's meeting may be directed to Allison D. Gaida, Bureau of Mine Safety, (724) 439-7289 or agaida@pa.gov.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison D. Gaida at (724) 439-7289 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-1994. Filed for public inspection October 25, 2013, 9:00 a.m.]

Proposed Revision to the State Implementation Plan for the Motor Vehicle Emissions Budgets in the Scranton/Wilkes-Barre 1997 Eight-Hour Ozone Maintenance Area; Public Hearing

The Department of Environmental Protection (Department) is revising the motor vehicle emissions budgets for the Scranton/Wilkes-Barre 1997 Eight-Hour Ozone Maintenance Area. The revised budgets, once approved by the United States Environmental Protection Agency (EPA), will allow local transportation planning agencies to better compare highway vehicle emissions in transportation plans with motor vehicle emission budgets in the State Implementation Plan (SIP). The SIP will now include

highway emissions estimated using the same computer model that local planning agencies are required to use for developing their transportation plans.

The EPA developed a new computer model, the Motor Vehicle Emissions Simulator (MOVES), that estimates emissions from highway vehicles more accurately. The Department used the former EPA-approved model, Mobile6, for estimating highway vehicles emissions in the approved maintenance plan for the Scranton/Wilkes-Barre Area. Emissions of oxides of nitrogen and, in some cases, volatile organic compounds are estimated to be at higher levels by the MOVES model than the levels approved by EPA in the Scranton/Wilkes-Barre Maintenance Plan. The Transportation Conformity regulation requires that emissions from updated local transportation improvement plans do not exceed the motor vehicle emissions budget in the area's approved, applicable SIP. By using the same model in transportation planning and the SIP, a more realistic comparison between the two will result, which will offer less chance of transportation projects being delayed.

The Department is also including projected emissions from Marcellus Shale activity that were not included in the previously approved SIP revision. These emissions result from drilling and compressor station activity. In addition, the Department is including emissions that will be produced from building the proposed Bell Bend Nuclear Power Plant for that project to satisfy General Conformity requirements.

This proposal is available on the Department's web site at www.dep.state.pa.us or through the contact persons listed as follows.

The Department is seeking public comment on updated emissions in this proposed SIP revision, which include changes made to the motor vehicle emissions budget and inclusion of emissions from Marcellus Shale activity, and building of the proposed Bell Bend Nuclear Power Plant in the Scranton/Wilkes-Barre 1997 Eight-Hour Ozone Maintenance Plan. The Department will hold a public hearing to receive comments on the proposal on December 4, 2013, at 1 p.m. in Susquehanna Room A, Department of Environmental Protection's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA.

Persons wishing to present testimony at the hearing should contact Alex Haas, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or alehaas@pa.gov to reserve a time. If, by November 27, 2013, no person has requested to testify at the hearing, the hearing will be cancelled. If the hearing is cancelled, the Department will notify the public on the Bureau of Air Quality web page <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm>. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas at (717) 787-9495 or alehaas@pa.gov. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than December 4, 2013. Written comments should be sent to the attention of Kirit Dalal, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box

8468, Harrisburg, PA 17105-8468 or kdalal@pa.gov. Use "Scranton/Wilkes-Barre MVEB Revisions" in the subject line.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-1995. Filed for public inspection October 25, 2013, 9:00 a.m.]

Solid Waste Advisory Committee Meeting Cancellation

The Thursday, November 7, 2013, meeting of the Solid Waste Advisory Committee (Committee) is cancelled. The next meeting is scheduled for Thursday, March 6, 2014, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the next scheduled meeting of the Committee can be directed to Ali Tarquino-Morris at (717) 783-2360 or altarquino@pa.gov. The agenda and meeting materials for the March 6, 2014, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate") when available.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-2360 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-1996. Filed for public inspection October 25, 2013, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Lehigh County

Proposals are invited to provide the Department of General Services with 17,914 usable square feet of office space for the Pennsylvania State Police in Lehigh County. For more information on SFP No. 94510, which is due on Thursday, November 14, 2013, visit www.dgs.state.pa.us or contact David Weyandt at (717) 525-5255 or daweyandt@pa.gov.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 13-1997. Filed for public inspection October 25, 2013, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Armstrong County Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Armstrong County Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 18.3.2.5(1) (relating to gift shops).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1998. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Bryn Mawr Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bryn Mawr Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-8.5.3.2 (relating to the prescribed size for TDR's to be 12 feet by 14 feet).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-1999. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Children's Surgery Center of Malvern, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Surgery Center of Malvern, LLC has requested an exception to the requirements of 28 Pa. Code § 551.22(3)(ii) (relating to criteria for performance of ambulatory surgery on pediatric patients).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2000. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Fairgrounds Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Fairgrounds Surgery Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2001. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 105.11(b) (relating to access).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2002. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Indiana Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Indiana Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility

specifically requests exemption from the following standards contained in this publication: 3.5-7.2.1 (relating to corridor width).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2003. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Lehigh Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2004. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Lehigh Valley Hospital—Muhlenberg for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lehigh Valley Hospital—Muhlenberg has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2005. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Monroeville Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Monroeville Surgery Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-1.3.4(1) (relating to unrestricted area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation

to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2006. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Schuylkill Medical Center East Norwegian Street for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Schuylkill Medical Center East Norwegian Street has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2007. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Schuylkill Medical Center South Jackson Street for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Schuylkill Medical Center South Jackson Street has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2008. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Select Specialty Hospital—McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital—McKeesport has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2009. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Select Specialty Hospital—McKeesport for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital—McKeesport has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following

standards contained in this publication: 2.1-8.2.2.1 (relating to ventilation and space-conditioning).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2010. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Select Specialty Hospital—Pittsburgh for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital—Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-8.2.2.1 (relating to ventilation and space-conditioning).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2011. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Valley Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2012. Filed for public inspection October 25, 2013, 9:00 a.m.]

Application of Washington Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Washington Health System has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2013. Filed for public inspection October 25, 2013, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Forbes Center for Rehabilitation and Healthcare
6655 Frankstown Avenue
Pittsburgh, PA 15206

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction):

Darway Elder Care Rehabilitation Center
5865 Route 154
Forkville, PA 18616
FAC ID 040102

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Friendship Ridge
246 Friendship Circle
Beaver, PA 15009

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2014. Filed for public inspection October 25, 2013, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Cashing Thru the Snow Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Cashing Thru the Snow.

2. *Price:* The price of a Pennsylvania Cashing Thru the Snow instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Cashing Thru the Snow instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: an Angel (ANGEL) symbol, Bell (BELL) symbol, Cabin (CABIN) symbol, Candle (CANDLE) symbol, Cocoa (COCOA) symbol, Cup (CUP) symbol, Drum (DRUM) symbol, Earmuff (EARMF) symbol, Fire (FIRE) symbol, Hat (HAT) symbol, Holly (HOLLY) symbol, Horn (HORN) symbol, Icicle (ICICLE) symbol, Igloo (IGLOO) symbol, Lights (LIGHTS) symbol, Mitten (MITTEN) symbol, Nutcracker (NUTCRKR) symbol, Ornament (ORNAMENT) symbol, Skate (SKATE) symbol, Snowflake (SNOWFLK) symbol, Snowman (SNOWMAN) symbol, Star (STAR) symbol, Stocking (STOCKING) symbol, Toys (TOYS) symbol, Tree (TREE) symbol, Wreath (WREATH) symbol, Reindeer (RNDEER) symbol, and a Candy Cane (CNDYCNE) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: Free \$2 Ticket, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$1,000 and \$25,000. The player can win up to 10 times on the ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two 2013 \$100,000 Jolly Jackpot second-chance drawings for which non-winning Pennsylvania Cashing Thru the Snow instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Cashing Thru the Snow instant lottery game.

8. Determination of Prize Winners:

(a) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$25,000 (TWYFIVTHO) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$1,000 (ONE THO) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a Candy Cane (CNDYCNE) symbol in the play area, and a prize symbol of \$100 (ONE HUN) appears in all ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$500 (FIV HUN) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a Candy Cane (CNDYCNE) symbol in the play area, and a prize symbol of \$50^{.00} (FIFTY) appears in all ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$250.

(g) Holders of tickets with a Candy Cane (CNDYCNE) symbol in the play area, and a prize symbol of \$25^{.00} (TWY FIV) appears in all ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$250.

(h) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$100 (ONE HUN) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with a Candy Cane (CNDYCNE) symbol in the play area, and a prize symbol of \$10^{.00} (TEN DOL) appears in all ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$50^{.00} (FIFTY) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$50.

(k) Holders of tickets with a Candy Cane (CNDYCNE) symbol in the play area, and a prize symbol of \$5^{.00} (FIV DOL) appears in all ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$40^{.00} (FORTY) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets with a Candy Cane (CNDYCNE) symbol in the play area, and a prize symbol of \$4^{.00} (FOR

DOL) appears in all ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$25^{.00} (TWY FIV) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$20^{.00} (TWENTY) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets with a Candy Cane (CNDYCNE) symbol in the play area, and a prize symbol of \$2^{.00} (TWO DOL) appears in all ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$10^{.00} (TEN DOL) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$5^{.00} (FIV DOL) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$4^{.00} (FOR DOL) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of \$2^{.00} (TWO DOL) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets with a Reindeer (RNDEER) symbol in the play area, and a prize symbol of FREE (TICKET) in the "Prize" area under that Reindeer (RNDEER) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Cashing Thru the Snow instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal A "REINDEER" (RNDEER)
Symbol, Win Prize Shown Under
That Symbol. Win With:

| | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 12,000,000 Tickets |
|--------------------------|-----------------|-------------------------------|---|
| FREE | FREE \$2 TICKET | 15 | 800,000 |
| \$2 | \$2 | 75 | 160,000 |
| \$2 × 2 | \$4 | 30 | 400,000 |
| \$4 | \$4 | 37.5 | 320,000 |
| \$5 | \$5 | 25 | 480,000 |
| \$2 × 5 | \$10 | 100 | 120,000 |
| \$5 × 2 | \$10 | 150 | 80,000 |
| \$10 | \$10 | 300 | 40,000 |
| CANDY CANE w/ (\$2 × 10) | \$20 | 375 | 32,000 |
| \$5 × 4 | \$20 | 375 | 32,000 |
| \$10 × 2 | \$20 | 375 | 32,000 |
| \$20 | \$20 | 500 | 24,000 |
| \$5 × 5 | \$25 | 2,400 | 5,000 |

Reveal A "REINDEER" (RNDEER)
Symbol, Win Prize Shown Under
That Symbol. Win With:

| | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 12,000,000 Tickets |
|----------------------------|----------|-------------------------------|---|
| (\$10 × 2) + \$5 | \$25 | 400 | 30,000 |
| \$25 | \$25 | 2,400 | 5,000 |
| CANDY CANE w/ (\$4 × 10) | \$40 | 1,791 | 6,700 |
| \$5 × 8 | \$40 | 2,400 | 5,000 |
| \$10 × 4 | \$40 | 2,400 | 5,000 |
| \$20 × 2 | \$40 | 2,400 | 5,000 |
| \$40 | \$40 | 2,400 | 5,000 |
| CANDY CANE w/ (\$5 × 10) | \$50 | 1,622 | 7,400 |
| \$10 × 5 | \$50 | 6,000 | 2,000 |
| \$25 × 2 | \$50 | 6,000 | 2,000 |
| \$50 | \$50 | 6,000 | 2,000 |
| CANDY CANE w/ (\$10 × 10) | \$100 | 6,000 | 2,000 |
| \$20 × 5 | \$100 | 12,000 | 1,000 |
| \$50 × 2 | \$100 | 12,000 | 1,000 |
| \$25 × 4 | \$100 | 12,000 | 1,000 |
| \$100 | \$100 | 12,000 | 1,000 |
| CANDY CANE w/ (\$25 × 10) | \$250 | 40,000 | 300 |
| \$50 × 5 | \$250 | 120,000 | 100 |
| (\$100 × 2) + \$50 | \$250 | 120,000 | 100 |
| \$250 | \$250 | 120,000 | 100 |
| CANDY CANE w/ (\$50 × 10) | \$500 | 120,000 | 100 |
| \$100 × 5 | \$500 | 120,000 | 100 |
| \$500 | \$500 | 120,000 | 100 |
| CANDY CANE w/ (\$100 × 10) | \$1,000 | 120,000 | 100 |
| \$1,000 | \$1,000 | 120,000 | 100 |
| \$25,000 | \$25,000 | 1,200,000 | 10 |

Reveal a "CANDY CANE" (CNDYCNE) symbol, win all 10 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings' Requirements:

(a) To be eligible for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2013 holiday instant tickets via the Lottery's website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the 2013 \$100,000 Jolly Jackpot promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2013 holiday instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries will be limited to players that indicate, at the time of submitting an entry, that their entry is being submitted from an internet connected device located within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings is via the Lottery's website. Entries mailed or hand-delivered to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2013 holiday instant ticket entered

will determine the number of entries a player will receive. For example, entering a non-winning PA-1061 Cashing Thru the Snow (\$2) ticket will entitle the player to 2 entries.

(c) The qualifying Pennsylvania Lottery 2013 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1057 Merry Millionaire '13 (\$20) = 20 entries; PA-1058 Sleigh Ride (\$10) = 10 entries; PA-1059 Holiday Gifts '13 (\$5) = 5 entries; PA-1060 Merry Multiplier (\$3) = 3 entries; PA-1061 Cashing Thru the Snow (\$2) = 2 entries; and PA-1062 Snow Days (\$1) = 1 entry.

11. Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings:

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. October 27, 2013, through 11:59:59 p.m. December 2, 2013, will be entered in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, which will be held between December 3, 2013 and December 7, 2013, and the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(2) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. December 2, 2013, through 11:59:59 p.m. January 2, 2014, will be entered in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(3) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 7, 2013 and after the live drawing show via social media.

(4) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 8, 2014 and after the live drawing show via social media.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(d) If a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules and any material describing the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole

discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

12. Description of Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings prizes:

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, held between December 3, 2013 and December 7, 2013, shall each be entitled to a prize of \$10,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, held between January 3, 2014 and January 8, 2014, shall be entitled to a prize of \$100,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

13. Retailer Incentive Awards: The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Cashing Thru the Snow instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. Unclaimed Prize Money: For a period of 1 year from the announced close of Pennsylvania Cashing Thru the Snow, prize money from winning Pennsylvania Cashing Thru the Snow instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Cashing Thru the Snow instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. Governing Law: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. Termination of the Game: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote

Pennsylvania Cashing Thru the Snow or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 13-2015. Filed for public inspection October 25, 2013, 9:00 a.m.]

Pennsylvania Holiday Gifts '13 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Holiday Gifts '13.

2. *Price:* The price of a Pennsylvania Holiday Gifts '13 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Holiday Gifts '13 instant lottery game ticket will contain one play area featuring 15 play symbols and their captions. The play symbols and their captions, located in the play area are: Angel (ANGEL) symbol, Bell (BELL) symbol, Boot (BOOT) symbol, Cabin (CABIN) symbol, Candle (CANDLE) symbol, Candy Cane (CANE) symbol, Cocoa (COCOA) symbol, Cup (CUP) symbol, Drum (DRUM) symbol, Earmuff (EARMUFF) symbol, Fire (FIRE) symbol, Hat (HAT) symbol, Holly (HOLLY) symbol, Horn (HORN) symbol, Icicle (ICICLE) symbol, Igloo (IGLOO) symbol, Lights (LIGHTS) symbol, Mitten (MITTEN) symbol, Nutcracker (NUTCRACKER) symbol, Ornament (ORNAMENT) symbol, Scarf (SCARF) symbol, Skate (SKATE) symbol, Snowflake (FLAKE) symbol, Star (STAR) symbol, Wreath (WREATH) symbol, Gift (GIFT) symbol, Tree (WIN25) symbol and a Stocking (STKING) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20^{.00} (TWENTY), \$25^{.00} (TWY FIV), \$40^{.00} (FORTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. The player can win up to 15 times on the ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct two 2013 \$100,000 Jolly Jackpot second-chance drawings for which non-winning Pennsylvania Holiday Gifts '13 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Holiday Gifts '13 instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$100,000 (ONEHUNTHO) in the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$10,000 (TEN THO) in

the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$5,000 (FIV THO) in the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(d) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$1,000 (ONE THO) in the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with a Stocking (STKING) symbol in the play area a prize symbol of \$50^{.00} (FIFTY) in ten of the "prize" areas and a prize symbol of \$100 (ONE HUN) in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$500 (FIV HUN) in the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets with a Stocking (STKING) symbol in the play area, a prize symbol of \$25^{.00} (TWY FIV) in ten of the "prize" areas and a prize symbol of \$50^{.00} (FIFTY) in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(h) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$400 (FOR HUN) in the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets with a Stocking (STKING) symbol in the play area a prize symbol of \$20^{.00} (TWENTY) in ten of the "prize" areas and a prize symbol of \$40^{.00} (FORTY) in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$100 (ONE HUN) in the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets with a Stocking (STKING) symbol in the play area a prize symbol of \$5^{.00} (FIV DOL) in ten of the "prize" areas and a prize symbol of \$10^{.00} (TEN DOL) in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$50^{.00} (FIFTY) in the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$40^{.00} (FORTY) in the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$25^{.00} (TWY FIV) appears in the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets with a Tree (WIN25) symbol in the play area, on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$20^{.00} (TWENTY) in the "prize" area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) in the “prize” area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets with a Gift (GIFT) symbol in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) in the

“prize” area under that Gift (GIFT) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*Scratch The Entire Tree Play Area.
Reveal A “GIFT” (GIFT) symbol, Win
Prize Shown Under That Symbol. Win
With:*

| | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 10,800,000 Tickets |
|---------------------------------------|-----------|-------------------------------|--|
| \$5 | \$5 | 8.57 | 1,260,000 |
| \$5 × 2 | \$10 | 30 | 360,000 |
| \$10 | \$10 | 30 | 360,000 |
| \$5 × 4 | \$20 | 300 | 36,000 |
| \$10 × 2 | \$20 | 150 | 72,000 |
| \$20 | \$20 | 150 | 72,000 |
| \$5 × 5 | \$25 | 600 | 18,000 |
| \$25 w/ TREE | \$25 | 75 | 144,000 |
| \$25 | \$25 | 600 | 18,000 |
| \$5 × 8 | \$40 | 600 | 18,000 |
| \$10 × 4 | \$40 | 600 | 18,000 |
| \$20 × 2 | \$40 | 600 | 18,000 |
| (\$25 w/ TREE) + \$10 + \$5 | \$40 | 600 | 18,000 |
| \$40 | \$40 | 600 | 18,000 |
| \$5 × 10 | \$50 | 600 | 18,000 |
| \$10 × 5 | \$50 | 600 | 18,000 |
| \$40 + \$10 | \$50 | 600 | 18,000 |
| (\$25 w/ TREE) × 2 | \$50 | 600 | 18,000 |
| \$50 | \$50 | 600 | 18,000 |
| STOCKING w/ (\$5 × 10) + (\$10 × 5) | \$100 | 436.36 | 24,750 |
| \$10 × 10 | \$100 | 4,800 | 2,250 |
| \$20 × 5 | \$100 | 4,800 | 2,250 |
| \$50 × 2 | \$100 | 4,800 | 2,250 |
| (\$25 w/ TREE) × 4 | \$100 | 960 | 11,250 |
| \$100 | \$100 | 4,800 | 2,250 |
| STOCKING w/ (\$20 × 10) + (\$40 × 5) | \$400 | 4,286 | 2,520 |
| \$40 × 10 | \$400 | 40,000 | 270 |
| \$50 × 8 | \$400 | 40,000 | 270 |
| \$100 × 4 | \$400 | 40,000 | 270 |
| \$400 | \$400 | 40,000 | 270 |
| STOCKING w/ (\$25 × 10) + (\$50 × 5) | \$500 | 13,333 | 810 |
| \$50 × 10 | \$500 | 120,000 | 90 |
| \$100 × 5 | \$500 | 120,000 | 90 |
| \$500 | \$500 | 120,000 | 90 |
| STOCKING w/ (\$50 × 10) + (\$100 × 5) | \$1,000 | 40,000 | 270 |
| \$100 × 10 | \$1,000 | 120,000 | 90 |
| \$500 × 2 | \$1,000 | 120,000 | 90 |
| \$1,000 | \$1,000 | 120,000 | 90 |
| \$500 × 10 | \$5,000 | 600,000 | 18 |
| \$1,000 × 5 | \$5,000 | 600,000 | 18 |
| \$5,000 | \$5,000 | 600,000 | 18 |
| \$10,000 | \$10,000 | 400,000 | 27 |
| \$100,000 | \$100,000 | 1,080,000 | 10 |

Reveal a “TREE” (WIN25) symbol, win \$25 instantly.

Reveal a “STOCKING” (STKING) symbol, win all 15 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Pennsylvania Lottery’s 2013 \$100,000 Jolly Jackpot Second-Chance Drawings’ Requirements:*

(a) To be eligible for the Pennsylvania Lottery’s 2013 \$100,000 Jolly Jackpot second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2013 holiday instant tickets via the Lottery’s website

(palottery.com). To enter qualifying non-winning tickets players must visit the Lottery’s website, click on the 2013 \$100,000 Jolly Jackpot promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2013 holiday instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries will be limited to players that indicate, at the time of submitting an entry, that their entry is being submitted from an internet connected device located within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings is via the Lottery's website. Entries mailed or hand-delivered to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2013 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1059 Holiday Gifts '13 (\$5) ticket will entitle the player to 5 entries.

(c) The qualifying Pennsylvania Lottery 2013 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1057 Merry Millionaire '13 (\$20) = 20 entries; PA-1058 Sleigh Ride (\$10) = 10 entries; PA-1059 Holiday Gifts '13 (\$5) = 5 entries; PA-1060 Merry Multiplier (\$3) = 3 entries; PA-1061 Cashing Thru the Snow (\$2) = 2 entries; and PA-1062 Snow Days (\$1) = 1 entry.

11. *Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings:*

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. October 27, 2013, through 11:59:59 p.m. December 2, 2013, will be entered in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, which will be held between December 3, 2013 and December 7, 2013, and the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(2) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. December 2, 2013, through 11:59:59 p.m. January 2, 2014, will be entered in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(3) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 7, 2013 and after the live drawing show via social media.

(4) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 8, 2014 and after the live drawing show via social media.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(d) If a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules and any material describing the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings to a person who dies before receiving the prize

shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

12. Description of Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings prizes:

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, held between December 3, 2013 and December 7, 2013, shall each be entitled to a prize of \$10,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, held between January 3, 2014 and January 8, 2014, shall be entitled to a prize of \$100,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

13. Retailer Incentive Awards: The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Holiday Gifts '13 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. Unclaimed Prize Money: For a period of 1 year from the announced close of Pennsylvania Holiday Gifts '13, prize money from winning Pennsylvania Holiday Gifts '13 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Holiday Gifts '13 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. Governing Law: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

16. Termination of the Game: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Holiday Gifts '13 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 13-2016. Filed for public inspection October 25, 2013, 9:00 a.m.]

Pennsylvania Merry Millionaire '13 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. Name: The name of the game is Pennsylvania Merry Millionaire '13.

2. Price: The price of a Pennsylvania Merry Millionaire '13 instant lottery game ticket is \$20.

3. Play Symbols: Each Pennsylvania Merry Millionaire '13 instant game ticket will contain one play area featur-

ing a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Flurries (FLRIES) symbol, \$\$ (WIN250) symbol and a MERRY (MERRY) symbol.

4. Prize Symbols: The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$25⁰⁰ (TWY FIV), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,500 (TWYFIVHUN), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. Prizes: The prizes that can be won in this game are: \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$1,000, \$2,500, \$100,000 and \$1,000,000. A player can win up to 20 times on a ticket.

6. Second-Chance Drawings: The Pennsylvania Lottery will conduct two 2013 \$100,000 Jolly Jackpot second-chance drawings for which non-winning Pennsylvania Merry Millionaire '13 instant lottery game tickets may be eligible as provided for in section 10.

7. Approximate Number of Tickets Printed For the Game: Approximately 4,800,000 tickets will be printed for the Pennsylvania Merry Millionaire '13 instant game.

8. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1MILL (ONE MIL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2,500 (TWYFIVHUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a MERRY (MERRY)

symbol and a prize symbol of \$500 (FIV HUN) appears in two of the “prize” areas, a prize symbol of \$100 (ONE HUN) appears in twelve of the “prize” areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in six of the “prize” areas, on a single ticket, shall be entitled to a prize of \$2,500.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a MERRY (MERRY) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in all twenty of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a MERRY (MERRY) symbol and a prize symbol of \$100 (ONE HUN) appears in three of the “prize” areas, a prize symbol of \$50⁰⁰ (FIFTY) appears in twelve of the “prize” areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a MERRY (MERRY) symbol and a prize symbol of \$25⁰⁰ (TWY FIV) appears in all twenty of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a MERRY (MERRY) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in five of the “prize” areas, a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the “prize” areas and a prize symbol of \$10⁰⁰ (TEN DOL) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250 (TWOHUNFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$ (WIN250) symbol and a prize symbol of \$250 (TWOHUNFTY) appears under the \$\$ (WIN250) symbol, on a single ticket, shall be entitled to a prize of \$250.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flurries (FLRIES) symbol and a prize symbol of \$100 (ONE HUN) appears under the Flurries (FLRIES) symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flurries (FLRIES) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears under the Flurries (FLRIES) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flurries (FLRIES) symbol and a prize symbol of \$40⁰⁰ (FORTY) appears under the Flurries (FLRIES) symbol, on a single ticket, shall be entitled to a prize of \$40.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Flurries (FLRIES) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears under the Flurries (FLRIES) symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match
Any Winning Number, Win Prize
Shown Under The Matching
Number. Win With:*

\$10 × 2
\$20 w/ FLURRIES
\$20
\$20 × 2
\$40 w/ FLURRIES

Win:

\$20
\$20
\$20
\$40
\$40

*Approximate
Odds Are 1 In:*

20
20
15
60
60

*Approximate No.
Of Winners Per
4,800,000 Tickets*

240,000
240,000
320,000
80,000
80,000

*When Any Of Your Numbers Match
Any Winning Number, Win Prize
Shown Under The Matching
Number. Win With:*

| | Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 4,800,000 Tickets |
|--|-------------|-------------------------------|--|
| \$40 | \$40 | 60 | 80,000 |
| \$10 × 5 | \$50 | 60 | 80,000 |
| (\$20 × 2) + \$10 | \$50 | 60 | 80,000 |
| \$50 w/ FLURRIES | \$50 | 60 | 80,000 |
| \$50 | \$50 | 60 | 80,000 |
| \$20 × 5 | \$100 | 150 | 32,000 |
| \$50 × 2 | \$100 | 150 | 32,000 |
| (\$40 × 2) + (\$10 × 2) | \$100 | 150 | 32,000 |
| \$100 w/ FLURRIES | \$100 | 150 | 32,000 |
| \$100 | \$100 | 150 | 32,000 |
| \$50 × 5 | \$250 | 2,400 | 2,000 |
| (\$20 × 10) + (\$10 × 5) | \$250 | 1,200 | 4,000 |
| (\$40 × 5) + (\$10 × 5) | \$250 | 1,500 | 3,200 |
| \$250 w/ \$\$ | \$250 | 600 | 8,000 |
| \$250 | \$250 | 2,400 | 2,000 |
| MERRY w/ ((\$50 × 5) + (\$20 × 10) + (\$10 × 5)) | \$500 | 10,000 | 480 |
| MERRY w/ (\$25 × 20) | \$500 | 10,000 | 480 |
| \$50 × 10 | \$500 | 12,000 | 400 |
| \$100 × 5 | \$500 | 12,000 | 400 |
| (\$250 w/ \$\$) × 2 | \$500 | 9,231 | 520 |
| (\$250 w/ \$\$) + (\$50 × 5) | \$500 | 9,231 | 520 |
| \$500 | \$500 | 12,000 | 400 |
| MERRY w/ ((\$100 × 3) + (\$50 × 12) + (\$20 × 5)) | \$1,000 | 15,000 | 320 |
| MERRY w/ (\$50 × 20) | \$1,000 | 15,000 | 320 |
| \$100 × 10 | \$1,000 | 15,000 | 320 |
| \$500 × 2 | \$1,000 | 15,000 | 320 |
| (\$250 w/ \$\$) × 4 | \$1,000 | 15,000 | 320 |
| \$1,000 | \$1,000 | 15,000 | 320 |
| MERRY w/ ((\$500 × 2) + (\$100 × 12) + (\$50 × 6)) | \$2,500 | 480,000 | 10 |
| \$500 × 5 | \$2,500 | 480,000 | 10 |
| (((\$250 w/ \$\$) × 5) + (\$250 × 5)) | \$2,500 | 480,000 | 10 |
| \$2,500 | \$2,500 | 480,000 | 10 |
| \$100,000 | \$100,000 | 480,000 | 10 |
| \$1,000,000 | \$1,000,000 | 960,000 | 5 |

Reveal a "FLURRIES" (FLRIES) symbol, win prize shown under it automatically.

Reveal a "\$\$" (WIN250) symbol, win \$250 instantly.

Reveal a "MERRY" (MERRY) symbol, win all 20 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings' Requirements:

(a) To be eligible for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings, players must enter non-winning qualifying Pennsylvania Lottery 2013 holiday instant tickets via the Lottery's website (palottery.com). To enter qualifying non-winning tickets players must visit the Lottery's website, click on the 2013 \$100,000 Jolly Jackpot promotional link, follow the instructions to establish an entry account and enter the identifying information from at least one non-winning qualifying Pennsylvania Lottery 2013 holiday instant lottery ticket.

(1) Players must be members of the Pennsylvania Lottery VIP Players Club to submit entries.

(2) The contents of the entry account must be accurate and complete. Incomplete entry accounts cannot be submitted.

(3) Only one claimant per entry allowed.

(4) Claimant must be 18 years of age or older.

(5) Entries will be limited to players that indicate, at the time of submitting an entry, that their entry is being submitted from an internet connected device located within Pennsylvania.

(6) The only entry method for the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings is via the Lottery's website. Entries mailed or hand-delivered to the Pennsylvania Lottery will be disqualified.

(b) The purchase price of each non-winning qualifying Pennsylvania Lottery 2013 holiday instant ticket entered will determine the number of entries a player will receive. For example, entering a non-winning PA-1057 Merry Millionaire '13 (\$20) ticket will entitle the player to 20 entries.

(c) The qualifying Pennsylvania Lottery 2013 holiday instant tickets, their respective purchase prices and corresponding number of entries are: PA-1057 Merry Millionaire '13 (\$20) = 20 entries; PA_1058 Sleigh Ride (\$10) = 10 entries; PA-1059 Holiday Gifts '13 (\$5) = 5 entries; PA—1060 Merry Multiplier (\$3) = 3 entries; PA-1061 Cashing Thru the Snow (\$2) = 2 entries; and PA-1062 Snow Days (\$1) = 1 entry.

11. Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Second-Chance Drawings:

(a) The Lottery will conduct two second-chance drawings, an Early Bird and a Grand Prize drawing, as part of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot promotion. All time references in this section are Eastern Time.

(1) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. October 27, 2013, through 11:59:59 p.m. December 2, 2013, will be entered in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, which will be held between December 3, 2013 and December 7, 2013, and the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(2) All Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entries received after 11:59:59 p.m. December 2, 2013, through 11:59:59 p.m. January 2, 2014, will be entered in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, which will be held between January 3, 2014 and January 8, 2014.

(3) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing will be announced during the Pennsylvania Lottery's live drawing show on December 7, 2013 and after the live drawing show via social media.

(4) The winners of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing will be announced during the Pennsylvania Lottery's live drawing show on January 8, 2014 and after the live drawing show via social media.

(5) The odds of an entry being selected in a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing depend upon the number of entries received for that drawing.

(b) To be eligible to participate in a particular Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, entries must have complied with the requirements of section 10.

(c) The Lottery assumes no responsibility for late, lost or misdirected entries not entered into the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(d) If a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings entry is rejected during or following a Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing, the sole remedy is to select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(e) A computer-generated randomizer will be used to select the winners.

(f) A player may only win the prize for which they are first selected in each of the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Subsequent entries, from the same individual, selected in the same Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawing will be disqualified and a replacement entry will be selected.

(g) If any discrepancy exists between the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules and any material describing the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-

chance drawings, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings rules shall govern.

(h) Employees of the Pennsylvania Lottery, MARC Advertising, Scientific Games International Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principal place of residence of any such person are not eligible to participate in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings. Offer void where prohibited or restricted.

(i) If, for any reason, the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings are not capable of running as planned due to, without limitation, errors in these rules or advertising, tampering, unauthorized intervention, fraud, technical failures, human error or any other cause beyond the control of the Pennsylvania Lottery that, in the sole judgment of the Pennsylvania Lottery, could corrupt or affect the administration, security, fairness, integrity or proper conduct of the drawings, the Pennsylvania Lottery reserves the right, at its sole discretion, to cancel, terminate, modify or suspend the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings.

(j) All entries shall be subject to verification by the Pennsylvania Lottery.

(k) The Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(l) Prizes must be claimed within one year of the drawing date of the drawing in which the prize was won.

(m) Determination of winners will be made by the Secretary, whose judgment will be final and binding.

(n) The payment of a prize awarded in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

12. Description of Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot second-chance drawings prizes:

(a) The first through the tenth winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Early Bird drawing, held between December 3, 2013 and December 7, 2013, shall each be entitled to a prize of \$10,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

(b) The first winner selected in the Pennsylvania Lottery's 2013 \$100,000 Jolly Jackpot Grand Prize drawing, held between January 3, 2014 and January 8, 2014, shall be entitled to a prize of \$100,000, less required federal withholding. This prize shall be paid as a lump-sum cash payment.

13. Retailer Incentive Awards: The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Merry Millionaire '13 instant game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

14. Unclaimed Prize Money: For a period of 1 year from the announced close of Pennsylvania Merry Millionaire '13 instant game, prize money from Pennsylvania Merry Millionaire '13 instant game tickets will be retained by the Secretary for payment to the persons

entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Merry Millionaire '13 instant game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

15. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Codes Part V (relating to State Lotteries) and the provisions contained in this notice.

16. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Merry Millionaire '13 instant game or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 13-2017. Filed for public inspection October 25, 2013, 9:00 a.m.]

DEPARTMENT OF STATE

Bureau of Corporations and Charitable Organizations; New and Amended Official Forms

The Department of State's Bureau of Corporations and Charitable Organizations (Bureau) published notice at 43 Pa.B. 5553 (September 14, 2013) of the Bureau's intent to amend the forms and instructions currently in 19 Pa. Code Appendix B (relating to official forms) to provide for new forms relating to unincorporated nonprofit associations and revised forms for benefit corporations and change of registered office. The forms and instructions, which do not constitute agency regulations, were subject to the opportunity for public comment under section 201 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1201). The Bureau did not receive any comments during any of the intervening 30-day public comment periods. Therefore, the new and amended forms and instructions are being codified and inserted into 19 Pa. Code Appendix B as they were published at 43 Pa.B. 5553. These forms are effective October 26, 2013.

CAROL AICHELE,
Secretary

[Pa.B. Doc. No. 13-2018. Filed for public inspection October 25, 2013, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

Under 67 Pa. Code § 495.4(d) (relating to application procedure), an application to lease highway right-of-way has been submitted to the Department of Transportation by American Pie Pizzeria, Inc., 8017 Jonestown Road, Harrisburg, PA.

American Pie Pizzeria, Inc. is seeking to lease highway right-of-way located at the eastern corner of Jonestown

Road and Lingelstown Road/North Hershey Road, Harrisburg, West Hanover Township containing 3,952 square feet ±, adjacent to SR LR 22006-03, for purposes of parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions or objections regarding the approval of this application to Michael Keiser, P.E., Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699.

Questions regarding this application or the proposed use may be directed to Paulette Broody Alexander, Chief Negotiator, 2140 Herr Street, Harrisburg, PA 17103-1699, (717) 787-1419.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 13-2019. Filed for public inspection October 25, 2013, 9:00 a.m.]

Medical Advisory Board Meeting

The Medical Advisory Board (Board) will meet on Friday, November 8, 2013, at 10 a.m. at the Riverfront Office Center, Transportation University, 1101 South Front Street, Harrisburg, PA. Chairperson Janet L. Dolan will preside. The meeting is open to the public.

Members of the public interested in addressing the Board with a concern relating to medical regulations must contact John Zimmerman at (717) 783-4534 by Friday, November 1, 2013. These concerns will be discussed during "Items from the Floor" on the agenda, which will open at 12 p.m.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are also requested to contact John Zimmerman at (717) 783-4534 prior to the meeting so that disability needs may be accommodated.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 13-2020. Filed for public inspection October 25, 2013, 9:00 a.m.]

FISH AND BOAT COMMISSION

Additions to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) has approved the addition of four stream sections to its list of Class A Wild Trout Streams as set forth at 43 Pa.B. 4291 (July 27, 2013) with one modification. With regard to Rattlesnake Creek, Jefferson County, the Commission reduced the section of the stream subject to the Class A designation. The section of Rattlesnake Creek that the Commission added to its list of Class A Wild Trout Streams is from the headwaters to the Brockway Reservoir slackwaters.

Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renew-

able natural resource and to conserve that resource and the angling that it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections for wild trout with no stocking.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 13-2021. Filed for public inspection October 25, 2013, 9:00 a.m.]

Classification of Wild Trout Streams; Addition to List

Of the two waters proposed for listing at 43 Pa. B. 4290 (July 27, 2013), the Fish and Boat Commission (Commission) approved the addition of one new water (Pickings Run, Somerset County) to its list of wild trout streams. The Commission already had designated a portion of the other water proposed for listing at 43 Pa.B. 4290 (Potter Run, Centre County), and therefore, no action was taken with respect to that water. The Commission approved the addition of Potter Run (from the headwaters to SR 0144) to its list of wild trout streams at 33 Pa.B. 6292 (December 20, 2003).

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Commission to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams. The Commission's Fisheries Management Division maintains the complete list of wild trout streams, and it is available on the Commission's web site at http://www.fish.state.pa.us/trout_repro.htm.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 13-2022. Filed for public inspection October 25, 2013, 9:00 a.m.]

INSURANCE DEPARTMENT

Medical Care Availability and Reduction of Error Fund; Notice of and Amount of Assessment Action; Notice 2013-08

The Insurance Department (Department), Medical Care Availability and Reduction of Error Fund, by Todd Rittle, Executive Director, under section 712 of the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P. S. § 1303.712), has determined that the annual assessment to be levied for calendar year 2014 shall be 23% applied to the prevailing primary premium for each participating health care provider.

The act defines "prevailing primary premium" as the schedule of occurrence rates approved by the Insurance Commissioner for the Joint Underwriting Association (JUA). For purposes of the 2014 annual assessment, the rates shall be those currently approved for use by the JUA.

Participating health care providers having approved self-insurance plans shall be assessed an amount equal to

the assessment imposed on a participating health care provider of like class, size, risk and kind as determined by the Department.

This action is subject to 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

TODD RITTLE,
Executive Director

[Pa.B. Doc. No. 13-2023. Filed for public inspection October 25, 2013, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on December 4, 2013, at 9:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium to be effective January 1, 2014.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 12 p.m. on October 29, 2013, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on October 29, 2013, notification of their desire to be included as a party. Parties shall indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. Copies of the filings will be available on the Board web site at http://www.mmb.state.pa.us/portal/server.pt/community/public_hearings/21456.

1. By 12 p.m. on November 1, 2013, the petitioner shall file with the Board, in person or by mail, one original and five copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a written report or written testimony explaining the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 12 p.m. on November 15, 2013, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 12 p.m. on November 22, 2013, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, five copies shall be provided for Board use and one copy shall be provided to each interested party.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on November 19, 2013.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 13-2024. Filed for public inspection October 25, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Intra-Company Changes

A-2013-2387293; A-2013-2387294; A-2013-2387295; A-2013-2387296; A-2013-2387297; A-2013-2387298; A-2013-2387299. Business Telecom, Inc., Choice One Communications of Pennsylvania, Inc., Conversent Communications of Pennsylvania, LLC, CTC Communications Corporation, DeltaCom, LLC, EarthLink Business, LLC and Lightship Telecom, LLC. Joint application of Business Telecom, Inc., Choice One Communications of Pennsylvania, Inc., Conversent Communications of Pennsylvania, LLC, CTC Communications Corporation, DeltaCom, LLC, EarthLink Business, LLC and Lightship Telecom, LLC for approval of certain pro forma intra-company changes.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before November 12, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us and at the applicant's business address.

Applicants: Business Telecom, Inc., Choice One Communications of Pennsylvania, Inc., Conversent Communications of Pennsylvania, LLC, CTC Communications Corporation, DeltaCom, LLC, EarthLink Business, LLC and Lightship Telecom, LLC

Through and By Counsel: Michael A. Gruin, Esquire, Stevens & Lee, Harrisburg Market Square, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2025. Filed for public inspection October 25, 2013, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 12, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons* as described under each application.

A-2013-2380941. Joseph and Linda Beiler Co-Tenants in Entirety (2140 Beaver Dam Road, Honey Brook, PA 19344) for the right to begin to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania, and return.

A-2013-2381010. Muhammad Ishfaq, t/a Business Class Limousine and Car Services (222 Roosevelt Avenue, Downingtown, PA 19335) for the right to begin to transport, as a common carrier by motor vehicle, persons in limousine service, from points in Chester County.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods* as described under the application.

A-2013-2366697. (Revised) Aeja Partners, LLC, t/a You Move Me (806 East Main Street, Norristown, Montgomery County, PA 19401) household goods in use, from points in the Counties of Montgomery, Delaware, Chester, Bucks and the City and County of Philadelphia, to points in Pennsylvania. *Attorney:* Richard T. Mulcahey, Jr., 121 South Broad Street, 20th Floor, Philadelphia, PA 19107-4533.

Application of the following for approval to *begin operating as contract carriers for transportation of persons* as described under the application.

A-2012-2291449. Sama Transport Services (21 Roy Lane, Huntingdon Valley, PA 19006) for the right to begin to transport, as a contract carrier, by motor vehicle, persons for LogistiCare Solutions, LLC, between points, in the City and County of Philadelphia; Lower Moreland

Township, Abington Township, Hatboro Township, Jenkintown Township all in Montgomery County; and the Township of Bensalem in Bucks County. *Attorney:* Mark Feinman, 8171 Castor Avenue, Philadelphia, PA 19152.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2026. Filed for public inspection October 25, 2013, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due November 12, 2013, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Ambucare Ambulance Services Inc; Doc. No. C-2013-2379252

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Ambucare Ambulance Services Inc, (respondent) is under suspension effective July 24, 2013 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1725 Bustleton Pike, Unit A, Feasterville, PA 19053.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 10, 2009, at A-6411144.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6411144 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hun-

dred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/21/2013

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Brag, Inc.;
Doc. No. C-2013-2380694

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Brag, Inc., Respondent, maintains its principal place of business at 320 South Main Street, Athens, PA 18810.
2. That Respondent was issued a Certificate of Public Convenience by this Commission on October 19, 1989, at Application Docket No. A-00108540 F. 3.
3. That by Secretarial Letter issued on March 29, 2011 at C-2010-2178691, Respondent was directed to pay a

civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on June 11, 2012 at C-2011-2270729, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That Respondent failed to pay fines totaling five hundred dollars (\$500.00) and violated 66 Pa. C.S. § 501(c) for failing to observe, obey and comply with a Secretarial Letter issued on March 29, 2011 at C-2010-2178691, and June 11, 2012 at C-2011-2270729.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00108540 F. 3.

Respectfully submitted,

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/27/2013

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

- a. Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to

file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at:

RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2027. Filed for public inspection October 25, 2013, 9:00 a.m.]

Water Service

A-2013-2387343. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval to offer, render, furnish or supply water service to the public in a portion of Jackson Township, Butler County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 12, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on

the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2028. Filed for public inspection October 25, 2013, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-091.S, Cleaning Services at PRPA Administration Building, until 2 p.m. on Friday, November 22, 2013. Information can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES. T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 13-2029. Filed for public inspection October 25, 2013, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-082.1, Pier 82 Refrigeration Piping & Insulation Replacement, until 2 p.m. on Thursday, November 21, 2013, and Project No. 13-088.1, On-Call Roofing Investigation & Repair Contract until 2 p.m. on Wednesday, November 27, 2013. Information (including mandatory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES. T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 13-2030. Filed for public inspection October 25, 2013, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Marshall E. Angradi, LPN; Doc. No. 0168-51-13

Marshall E. Angradi, LPN, license no. PN083468L, of East Stroudsburg, Monroe County, had his nursing license indefinitely suspended, retroactive to April 1, 2013, based on findings he is unable to practice nursing with

reasonable skill and safety to patients by reason of mental condition or dependence on drugs or alcohol.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 13-2031. Filed for public inspection October 25, 2013, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Jennifer Noelle Baney, a/k/a Jennifer Noelle Hall
and Jennifer Brown Grubal, LPN; Doc. No. 1113-
51-12**

On July 23, 2013, Jennifer Noelle Baney, a/k/a Jennifer Noelle Hall and Jennifer Brown Grubal, LPN, license no. PN259986L, of Osceola Mills, Clearfield County, had her nursing license suspended, for no less than 3 years and until she comes before the State Board of Nursing (Board) to show she has had no further criminal convictions, based on findings she failed to report to the Board prior criminal convictions and pled guilty or a plea of nolo contendere to crimes of moral turpitude.

Individuals who may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the Board's final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 13-2032. Filed for public inspection October 25, 2013, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Heather Lynn Graham, RN; Doc. No. 1337-51-12**

Heather Lynn Graham, RN, license no. RN609908, of Endicott, NY, had her nursing license indefinitely suspended until she can prove to the State Board of Nursing (Board) that she is fit and competent to continue the practice of nursing, based on findings she is unable to practice nursing with reasonable skill and safety by reason of dependence on drugs.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the Board's final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 13-2033. Filed for public inspection October 25, 2013, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Kathleen M. Lynn, RN; Doc. No. 1904-51-12**

Kathleen M. Lynn, RN, license no. RN563194, of Philadelphia, Philadelphia County, had her nursing license indefinitely suspended, retroactive to January 3, 2013, based on her being unable to practice nursing with reasonable skill and safety to patients by reason of mental condition or dependence upon alcohol or drugs.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 13-2034. Filed for public inspection October 25, 2013, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, so individuals interested in challenging this action should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

Odor Management Plan—Public Notice Spreadsheet—Actions

| <i>Ag Operation Name, Address</i> | <i>County/Township</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i> | <i>New or Amended</i> | <i>Action Taken</i> |
|---|--|--|--------------------|---------------------------|--------------------------|
| Allen and Brenda Balmer 2220 Colebrook Road Lebanon, PA 17042 | Lebanon County/ North Cornwall Township | 73.80 | Broilers | New | Approved |
| Dwight Zimmerman 80 South Northkill Road Bernville, PA 19506 | Berks County/ Upper Tulpehocken Township | 144.16 | Broilers | New | Approved |
| Hershey Farms 338 Sunnyburn Road Elizabethtown, PA 17022 | Lancaster County/ Mt. Joy Township | 129.0 | Broilers | New | Approved |
| Jeffrey Netherton 1903 Globe Mills Road Middleburg, PA 17842 | Snyder County/ Middlecreek Township | 164.22 | Broilers | New | Approved |
| Larry S. Martin 102 Morrissey Drive Lebanon, PA 17046 | Lebanon County/ North Lebanon Township | 249.66 | Broilers | New | Approved |
| Sandy Valley Training Center 1181 Sandy Valley Road White Haven, PA 18661 | Luzerne County/ Foster Township | 44 | Horses | Amend | Rescind Plan Approval |
| Nelson and Marilyn Martin 279 Foundry Road McAlisterville, PA 17049 | Juniata County/ Fayette Township | 108.13 | Broilers | New | Approved |

GEORGE D. GREIG,
Chairperson

[Pa.B. Doc. No. 13-2035. Filed for public inspection October 25, 2013, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing

The Susquehanna River Basin Commission (Commission) will hold a public hearing on November 13, 2013, at 2:30 p.m. at the Pennsylvania State Capitol, Room 8E-B, East Wing, Commonwealth Avenue, Harrisburg, PA. The public hearing will end at 5 p.m. or at the conclusion of

public testimony, whichever is sooner. At this public hearing, the Commission will hear testimony on the projects listed in the Supplementary Information section of this notice. The projects are intended to be scheduled for Commission action at its next business meeting, tentatively scheduled for December 12, 2013, which will be noticed separately. The public should take note that this public hearing will be the only opportunity to offer oral comment to the Commission for the listed projects. The deadline for the submission of written comments is November 25, 2013.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 1306, fax (717) 238-2436.

Information concerning the applications for these projects is available at the Commission Water Resource Portal at www.srbc.net/wrp. Materials and supporting documents are available to inspect and copy in accordance with the Commission's Access to Records Policy at www.srbc.net/pubinfo/docs/2009-02%20Access%20to%20Records%20Policy%209-10-09.PDF.

Opportunity to Appear and Comment

Interested parties may appear at the hearing to offer comments to the Commission on any project listed as follows. The presiding officer reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing. Ground rules will be posted on the Commission's web site, www.srbc.net, prior to the hearing for review. The presiding officer reserves the right to modify or supplement the rules at the hearing. Written comments on any project listed as follows may also be mailed to Richard Cairo, General Counsel, Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. Comments mailed or electronically submitted must be received by the Commission on or before November 25, 2013, to be considered.

Supplementary Information

The public hearing will cover the following projects:

Public Hearing—Projects Scheduled for Action

1. Project Sponsor: Aqua Pennsylvania, Inc. Project Facility: Mifflin Township Water System, Mifflin Township, Columbia County, PA. Application for renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Mifflinville Well 3 (Docket No. 19960902).

2. Project Sponsor and Facility: Aqua Infrastructure, LLC (Tioga River), Hamilton Township, Tioga County, PA. Application for surface water withdrawal of up to 2.500 mgd (peak day).

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20080906).

4. Project Sponsor and Facility: DS Waters of America, Inc., Clay Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.115 mgd (30-day average) from Well 6 (Docket No. 20000203).

5. Project Sponsor and Facility: Energy Corporation of America (West Branch Susquehanna River), Goshen Township, Clearfield County, PA. Application for renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20091203).

6. Project Sponsor: Gettysburg Municipal Authority. Project Facility: York Water Company Interconnection, Straban Township, Adams County, PA. Application for consumptive water use of up to 3.000 mgd (peak day).

7. Project Sponsor and Facility: Houtzdale Municipal Authority, Gulich Township, Clearfield County, PA. Application for groundwater withdrawal of up to 0.537 mgd (30-day average) from Well 14R.

8. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Lycoming Creek), Lewis Township, Lycoming County, PA. Modification to low flow protection

requirements and authorization of additional water uses of the surface water withdrawal approval (Docket No. 20110616).

9. Project Sponsor and Facility: LHP Management, LLC (Fishing Creek—Clinton Country Club), Bald Eagle Township, Clinton County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20090906).

10. Project Sponsor and Facility: Millersburg Area Authority, Upper Paxton Township, Dauphin County, PA. Application for renewal of groundwater withdrawal of up to 0.173 mgd (30-day average) from Well 10 (Docket No. 19830309).

11. Project Sponsor and Facility: Millersburg Area Authority, Upper Paxton Township, Dauphin County, PA. Application for renewal of groundwater withdrawal of up to 0.187 mgd (30-day average) from Well 11 (Docket No. 19830309).

12. Project Sponsor and Facility: New Holland Borough Authority, New Holland Borough, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.576 mgd (30-day average) from Well 2 (Docket No. 19830501).

13. Project Sponsor: New Oxford Municipal Authority. Project Facility: Oxen Country Meadows, Oxford Township, Adams County, PA. Application for groundwater withdrawal of up to 0.144 mgd (30-day average) from Oxen Country Meadows Well 1.

14. Project Sponsor: Old Dominion Electric Cooperative. Project Facility: Rock Springs Expansion, Rising Sun District, Cecil County, MD. Application for consumptive water use of up to 7.900 mgd (peak day).

15. Project Sponsor and Facility: Old Dominion Electric Cooperative (Susquehanna River), Fulton Township, Lancaster County, PA. Application for surface water withdrawal of up to 8.700 mgd (peak day).

16. Project Sponsor and Facility: Seneca Resources Corporation (Arnot No. 5 Mine Discharge), Bloss Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20090908).

17. Project Sponsor and Facility: Southwestern Energy Production Company (Lycoming Creek—Bodines), Lewis Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20091207).

18. Project Sponsor and Facility: Southwestern Energy Production Company (Lycoming Creek—Ralston), McIntyre Township, Lycoming County, PA. Application for renewal of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20091210).

19. Project Sponsor and Facility: Talisman Energy USA, Inc. (Choconut Creek), Choconut Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.999 mgd (peak day).

20. Project Sponsor and Facility: Talisman Energy USA, Inc. (Fall Brook—C.O.P. Tioga State Forest), Ward Township, Tioga County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20091204).

21. Project Sponsor and Facility: Talisman Energy USA, Inc. (Fellows Creek—C.O.P. Tioga State Forest), Ward Township, Tioga County, PA. Application for re-

newal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20091205).

22. Project Sponsor and Facility: WPX Energy Appalachia, LLC (Turner Lake), Liberty Township, Susquehanna County, PA. Application for renewal of surface water withdrawal of up to 0.393 mgd (peak day) (Docket No. 20090601).

23. Project Sponsor and Facility: Winner Water Services, Inc. (Manor #44 Deep Mine), Girard Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.144 mgd (peak day).

24. Project Sponsor and Facility: York Water Company (Susquehanna River and South Branch Codorus Creek), Lower Windsor and Spring Garden Townships, York County, PA. Modification to authorize supply of water to Gettysburg Municipal Authority through an interconnection, subject to receipt by Gettysburg Municipal Authority of an interbasin diversion approval (Docket No. 20021023).

Public Hearing—Projects Scheduled for Action Involving a Diversion

1. Project Sponsor: Gettysburg Municipal Authority. Project Facility: Hunterstown Wastewater Treatment Plant, Straban Township, Adams County, PA. Modification to increase authorized diversion to accommodate occasional power plant surge (Docket No. 20100916).

2. Project Sponsor: Gettysburg Municipal Authority. Project Facility: York Water Company Interconnection, Straban Township, Adams County, PA. Application for an out-of-basin diversion of up to 3.000 mgd (peak day) to the Potomac River Basin.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: October 11, 2013.

ANDREW DEHOFF,
Executive Director

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